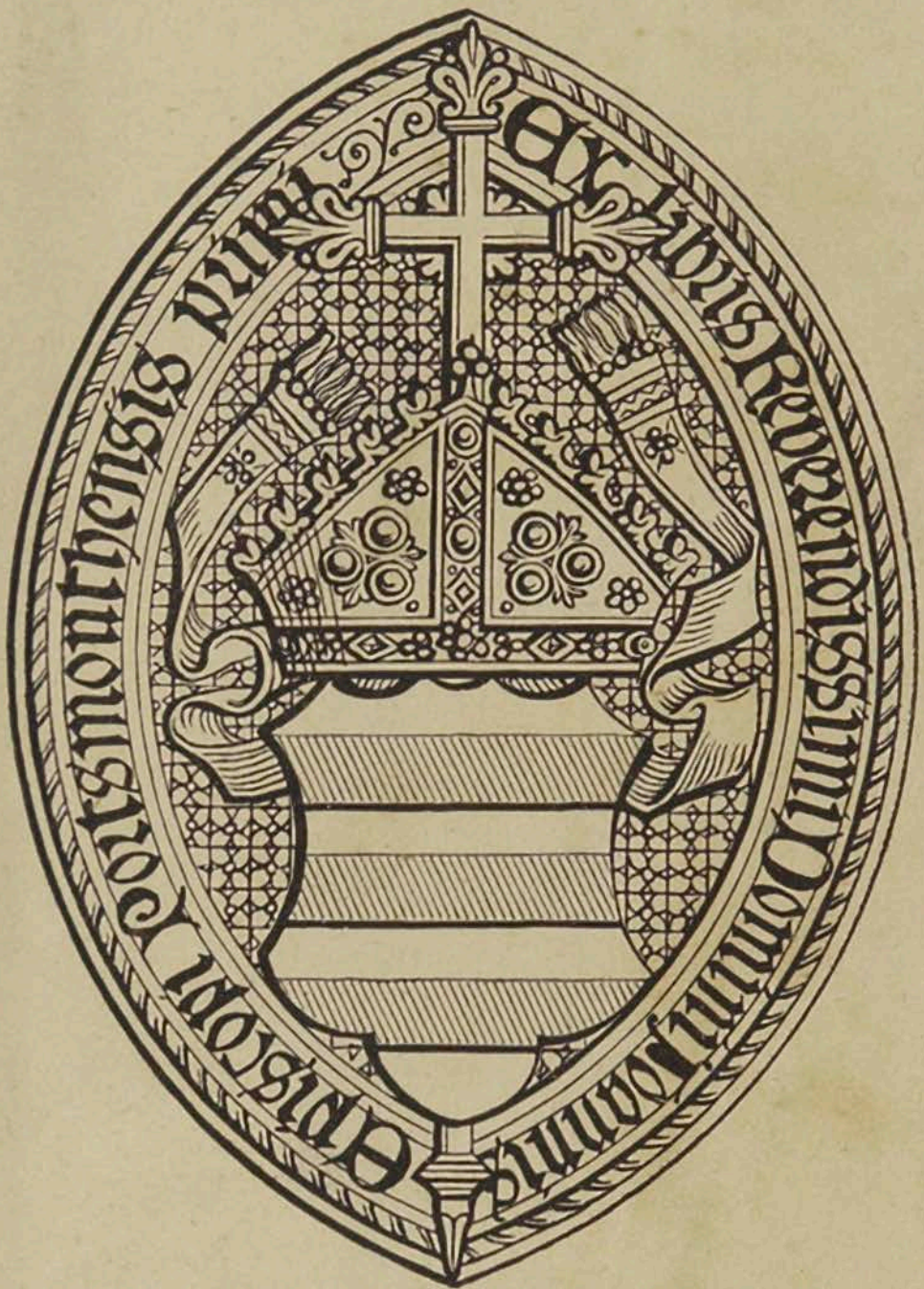
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MAGNA Charta, cum ſtatutis, *tum antiquis, tum recentibus*, maximo opere, animo tenendis nunc demum ad vnum, tipis ædita, per Richardum Tottell.

(.*.)

Anno domini 1576.

¶ Cum priuilegio ad imprimendum ſolum.

MAGNA

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Tottell.

(.·.)

Anno domini 1576.

¶ Cum priuilegio ad impri-
mendum solum.

To the Reader.

He former booke intituled Magna Carta, did conteine diuers olde statuts lawes, & other things, although good, not very necessary to be had in one so portable a volume, and the same confusely & not orderly digested, and in many places (for want of perfect coppies) very faulty. This cõteineth the most necessary of those olde statuts, and diuers later and newe statutes most conuenient to be had, perfect and ready, not onely by al studentes of the lawe for their priuate studies, readings, mootes, bolts, cases and other exercises: but also by the practisers of the same for their dailie affaires and causes, which statuts be those that are conteined in the table next following: wherin the statutes which this booke conteineth, are in such order as thei be placed in this booke. The

other table doth conteyne the titles in order of Alphabet, wherein the ſtatutes in this booke conteyned, are collected, in the collection of ſtatutes compiled by Maiſter Raſtall: which titles, are ſet in this booke, ouer euery ſuch part of the ſaid ſtatuts, as are in that collection, & thereunto is added the number, at the which the ſame is to be found in the collection. The woordes conteined betwene the two plaine ſtrikes, which ſometimes ye ſhal find in the booke, doe ſhewe what is corrected or added to the ſtatuts more then was before imprinted, the correctyons whereof, are to be warranted by diuers auncient coppies, which haue bene carefully conferred for the ſame purpoſe.

(.:.)

The first Table shewing the statutes in this booke conteined.

Magna Charta. fol. 1.
Charta de foresta 7
Statut de Merton 10
Dies communes in bāco 14
Dies communes in banco in placito dotis 14
Statutum de Marlebridge 15
Westminster primer 24
Statutum de Bigamis 39
Statutum de Gloucester 41
Explanationes statutum Gloucester 47
Statutum de religiosis 47
Stat. de Acton Burnel. 48
Westminster secunde. 51
Statutum de Mercatoribus 82
Westminster. iij. 85
Modus leuandi fines 86
Statutum de vocat ad warrantiam 87
Statutum de defentione muris 88
Statutum de finibus leuatis 89
Articuli super Chartas 91
Statut de appellatis 98
Statut de coniunctim feoffatis 99
Stat de frāgentibus prisonam 101
Articulus stat Gloucester 101
Articuli cleri 102
Statut Eborac 106

Statut de Essoñ calumnium 109
Prerogatiua regis 110
Stat de Magna assisa 113
Addition. Anno. 1. H. 5. 114
Forcible entre. Anno. 8. H. 6. 115
Shires. Anno. 23. H. 6. 118
Fines. Anno. 4. H 7. 120
Women. Anno. 11. H. 7. 122
Action Popular Anno. 7. H. 8. 124
Recoueries Anno. 7. H. 8. 125
Assise Anno 21. H. 8. 126
Spirituall persons Anno. 21. H. 8. 127
Recoueries Anno. 21. H. 8. 137
Auowrie Anno. 21. H. 8. 138
Attaint Anno. 23. H. 8. 139
Vses Anno. 27. H. 8. 143
Inrolments Anno. 27. H. 8. 149
Partition Anno. 28. H. 8. 150
Monasteries 31. H. 8. 152
Willes. 32. H. 8. 166
Limitation. 32. H. 8. 172
Executions. 32. H. 8. 174
Tythes. 32. H. 8 176
Mayntenance. 32. H. 8. 179
Leases. 32. H. 8 182
Repleder. 32. H. 8. 185
Partition. 32. H. 8. 186
Diſcents. 32. H. 8. 187
Conditions. 22. H. 8. 188
Fines. 32. H. 8. 190
Rentes. 32. H. 8. 192
Willes. 34. H. 8. 194
Recoueries. 34. H. 8. 202

The first Table.

Inrolments. 34. H. 8. 204
Vsury. 37. H. 8. 205
Tenures Anno primo E. 6. 207
Discontinuance of proces. 1. E. 6. 209
Monasteries. 1. E. 6. 211
Offices. 2. E. 6. 228
Tythes. 2. E. 6. 232
Limitation. 1. M. 237
Fraudulent deedes. An. 13. Eliz. 238
Graunts. 13. Eliz. 241
Vsury. 13. Eliz. 242
Leases. 13. Eliz. 244
Recoueries. 14. Eliz. 245
Iurrours. 14. Eliz. 246

Finis.

Disceipt 33.45
Discontinuance 122.209
Distresse 15.16.28,29.73.104
Dower 10.39.54

E.

Eboyat 106
Election 26.105
Entre 44.47
Entre lawfull 187
Entre of writtes 23
Essoine 20.22.37.45.64.65.69.109
Escuage 6
Escape 26
Eschete 112
Estreights 37
Estrepement 46
Explanationes statut Glos 47
Exception 70
Executours 66
Extortion 32.33
Excommengement 104.105
Execution 65.79.174

F.

Faux Judgement 22
Fees 77.78
Felony 28.101
De finibus levatis 89
Fines 86.89.120.190.
Fine to the king 5
Fish and fishings 80
Forestes 13.31
Forfature 4.112.113
Fooles 111

Forcible entre 115
Freeholde 22
De frangentibus prisonam 101
Fraudulent dædes 238
Fraunchises 1.3.7.

G.

Gloucester 41
Golde 97
Graunts 241

H.

Hundredes 96

I.

Indicauit 100
Indictements 64
Intrusion 112
Inrolments 104.140
Justices of both benches 38
Justice in Eyre 22.30.61.
Jurisdiction 103
Juris vtrum 66
Jurrours 20.74.95.246

L.

Leases 182.244
Liuery and ouster le maine 97
Limitation 3.13.36.237

M.

Magna Charta 1
Magna assisa 113
Mainprise 23.28
Maintenance 33.179
Marlebridge 15
Marshalsey 94
De Mercatoribus 82
Merchants 5

Merton

Merton 10
Mesne 59
Mortdaunceſter 21.44
Mortmaine 6.71
Monaſteries 23.24.105.152.211
Modus leuandi fines 86
Murther 22

N.

Newes 34
Nisi prius 69.91.107.108
Nuſance 66

O.

Odio & Atia 27
Offices 228
Ordinaries 65
Oyer & terminer 69

P.

Patents 113
Pardon 45
Partition 111.150.186
Pleas of the crowns 4
Purpreſture 40
Procurement 73
Primer ſeaſon 110
Prerogatiua regis 39.110
Proces 96
Proclamation 96
Procheine amie 38.64
Prohibition 102.103
Purueiours 4.26.34.93

Q.

Quare impedit 20
Quod permittat 66

The seconde Table

R.

Rape 28.71
Religious 47
Repleader 185
Replevin 22.52
Relefe 1
Residence 104
Rentes 192
Receipts 88
Recognisance 82
Recoueries 102.125.137.245
Rediſſeiſin 11.18.68
Retournes 74.96.108
Reaſonable ayde 35
Right 5
Robery 27

S.

Seale 95
Sheriffes 90.95.96.118
Spiritual perſons 127
Suite 18

T.

Tayle 51
Tenure 3.6.85.207
Tithes 8.232
Tolle 33
Treſpas 44

V.

Vacations 6
Victualles 109
Vidwe 81
De Vocat ad warrantiam 87
Voucher 22.36.40.46.58.87.101

Vſes

The second Table

Vses 143
Vsurie 12.205.242.

W.

Wardes 1.2.5.12.16.17.21.31.32.65.72 110.111.
Wager of lawe 5
Wales 11.166.194.
Warranty 41
Waste 2.22.44.47.64.97
Weares 5
Weights 5
Westminster primer 24
Westminster second 50
Westminster thirde 85
Wines 107
Wynes 46
Women 2.110.122
Wrytes 67.
Wrecke 126.112

Finis.

Magna Charta edita An. nono Henrici tertij.

EDwardus dei gratia, Rex Anglie, dominus Hiberñ, & dux Aquitanie archiepiscopis, episcopis, abbatibus, priorib⁹, com̃, baronibus, Justic̃, vic̃, ꝓpositis, ministris, et omnib⁹ ballivis & fidelibus suis salutẽ. Inspeximus magnã chartã dñi H. quondã regis Anglie patris nr̃i de libertatibus Anglie in hec verba.

¶ Henricus dei gratia Rex Anglie domin⁹ Hibernie, dux Normañ & Aquitanie, & Comes Andeg. Archiepis, episcopis, abbatib⁹, priorib⁹, comitibus, baronib⁹, vic̃, ꝓpositis, ministris, & omnib⁹ ballivis, et fidelib⁹ suis pñtem Chartam inspecturis salutẽ. Sciatis quod nos intuitu dei, & ꝓ salute anime nr̃e, & animarum antecessorum & successorũ nostrorum, ad exaltationem sc̃e ecclesie, & emẽdationem regni nostri, spontanea et bona voluntate nostra, dedimus & cõcessimus Archiepiscopis, epis, abbatibus, priorib⁹, com̃, baronibus, & omnibus liberis de regno nr̃o has libertates subscripꝫ, tenẽd in regno nr̃o Angl' in perpetuum.

Magna Charta.

¶ Fraunchiſes. I. cap. I.

¶ In primis conceſſimus deo, & hac preſenti Charta noſtra cõfirmauimus p nobis & heredõ noſtris imperpetuum, quod eccleſia Anglicana libera ſit, & habeat omnia iura ſua integra, & libertates ſuas illeſas. ¶ Cõceſſimus etiã & dedimus omnibus liberis hominibus regni noſtri, pro nobis et heredibus noſtris, in perpetuum has libertates ſubſcript, tenendõ & habendõ eis et heredõ ſuis de nobis et heredibus nr̃is in perpetuum.

¶ Reliefe. I. cap. 2.

¶ Si quis com̃, vel baronũ noſtrorũ, ſiue aliorũ tenentiũ de nobis in capit̃ p ſeruitiũ militar̃, mortuus fuerit, & cum deceſſerit, heres eius plene etatis fuerit, & releuium nobis debeat, habeat hereditatẽ ſuã per antiquũ releuium, ſcz herez vel heredez comitis, de com̃ integro, per centũ libras, heres vel heredes baronis de baronia integra, p centũ marcas, heres vel heredes militis, de feodõ militis integro, per centum ſolidos ad plus. Et qui minus habuerit, minus det, ſecundum antiquam conſuetudinem feodorũ.

¶ VVardes I. cap. 3.

¶ Si autẽ heres alicuius taliũ fuerit infr̃ etatem, dñs eius nõ habeat cuſtodiam eius, nec terre ſue, antequam homagiũ ceperit. Et poſtquam talis heres fuerit in cuſtodia, cum ad etatem peruenerit (ſcilicet xxi. annorum) habeat hereditatẽ ſuã ſine releuio, & ſine fine ita tamen, q̃ ſi ipſe (dum infra etatem fuerit) fiat miles, nihilominus terra remaneat in

cuſtodia

custodia dominorum suorum, vlq; ad terminum ꝑdictum.

¶ Wast. 1. cap. 4.

¶ Custos terre huiusmodi heredis, qui infra etatē fuerit, nō capiat de terra heredis, nisi rationabiles exitus, & rationabiles consuetudines, & rationabilia seruitia, & hoc sine distructione & vasto hominū et rerum. Et si nos cōmiserimus custodiā alicuius talis fre vic. vel alicui alio, qui de exitibus terre illius nobis debeat respondere, & ille de custodia illa, destructionē, vel vastum fecerit, nos ab eo capiemus emendō, & terra committat duobus leg. & discretis hominibus de feodo illo, qui de exit terre illius nobis respondeāt, vel illi cui nos |illā| assignauerim⁹. Et si dederim⁹, vel vēdiderim⁹ alicui, custodiā alicui⁹ talis fre, & ille inde destructionem fecerit, vel vastū, amittat illā custodiā, et tradat duob⁹ |discret & |leg. hominibus de feodo illo, qui similit nobis respondeant, sicut ꝓdictum est. | Vide Gloc. ca 5. & W. 1. ca. 21. |

¶ Wast 2. cap. 5.

¶ Custos autē q̄ diu custodiā terr̄ |hmodi habuerit, sustētet domos, parcos, viuar̄, stagna, molendina &c. ad terram illam ꝓtinentia, de exit terre ciusdē, et reddat heredi, cū ad plenam etatem peruenerit, terrā suā tot instauratam de carucis et omnibus aliis rebus, ad minus sicut illam recepit. Hec omnia obseruent de custodijs archiepiscopatuū, epatuū abbatiarum, ꝓioratuum, ecclesiarum, et dignitatum vacantium, que ad nos pertinent,

excepk quod custod huiusmodi vendi non debent.

¶ Wardes. 2. cap. 6.

¶ Heredes autem maritentur absque disparagatione.

¶ Women. 1. cap. 7.

¶ Vidua post mortem mariti sui statim & sine difficultate aliqua habeat maritagiū suū & hereditatē suā: nec aliquid det pro dote sua nec pro maritagio suo, vel pro hereditate sua habenda quam hereditatem maritus suus & ipsa tenuerunt simul, die obitus ipsius mariti sui, & maneat in capitali messuagio mariti sui, p quadraginta dies post obitū mariti sui infra quos dies assignet ei dos sua, nisi prius ei assignata fuerit, vel nisi domus illa sit castrum, & si de castrō recesserit, statim dom⁹ ei competens prouideatur, in qua possit honeste morari, quousque dos sua ei assignetur, secōm quod prediū est, & habeat rationabile estouerium suū interim de cōi. Assignetur autem ei p dote sua, tertia pars tot⁹ terē mariti sui, que fuit sua in vita sua, nisi de minori fuerit dotata ad ostium ecclesie. Nulla vidua distringatur ad se maritandū | dummod̄ voluerit viuere sine marito | Ita tamē qd̄ securitatem faciat, quod se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui, si de alio tenuerit | Prerogat regis ca. 4.

¶ Dette to the king. 1. cap 8.

¶ Nos vero vel balliui nostri, non seisiemus terram aliquam, vel redditum p debito

aliquo

aliquo, q̄ diu catalla debitoris p̄sentia sufficiunt ad debitum reddend̄, & ipse debitor paratꝰ sit inde satisfacere. ℑNec pleg. ipsiꝰ debitoris distringantur, quā diu ipse capitalis debitor sufficiat ad solutionem ipsius debiti. Et si capitalis debitor defecerit in solutione debiti, non habens unde soluat, aut reddere noluerit cum possit, plegij de debito rn̄deāt, & si voluerint, habeant terras & reddit̄ debitoris, quousq; sit eis satisfact̄ d̄ debit̄, q̄ antea p̄o eo soluerint, nisi capitalis debitor monstrauerit se inde esse quiet̄ erga eosd̄ plegios.

¶Fraunchises. 2. Cap 9.

¶Ciuitas Londoñ habeat omnes libertates suas antiquas, & cōsuetudines suas. ℑDeterea volumus & cōcedimus, qd̄ omnes alie ciuitates, burg. & ville, & barones de quinque portibus, et omnes alij portus, habeant omnes libertates, & liberas consuetudines suas | Artic' sup cartas. ca. 7.

¶Tenure 1. cap. 10.

¶Nullus distringatur ad faciendum maius seruitiū de feodo militis, nec de alio libero tenemento, quam inde debetur.

¶Common p'ees. 1. cap. 11.

¶Communia placita non sequātur curiā nostram, sed teneantur in aliquo loco certo. | Artic' sup cart̄ ca. 4.

¶Assise. 1. cap. 12.

¶Recognitiones de nouā disseisina, & de morte antecessoris, nō capiantur, nisi in suis com̄, et hoc modo. ℑNos uero si extra regnū

fuerim⁹, capitales Justic̄ nostri mittēt iustic̄ nostros per vnumquemq; com̄ semel in anno, q̄ cum militibus eozundem com̄, capiant in comit̄ illis assis. pred̄. Et ea q̄ in aduentu suo in illo comitatu per iustic̄ nostros pred̄ ad dictas assisas capiend̄ missos, ēminari non possunt, p eosdem terminēt alibi in itinere suo. Et ea q̄ per eosdem propt̄ difficultatem aliquozum articulozum terminari non possunt, referantur ad iustic̄ nostros de banco, & ibi terminentur.

¶ Darrein presentment. I. cap. 13.

¶ Assise de vltima presentione, semper capiantur cozam Justic̄ de banco, et ibi terminentur.

¶ Amerciament. I. cap. 14.

¶ Liber homo non amercietur pro paruo delicto, nisi secundum modum illius delicti, et pro magno delicto secūdum magnitudinē delicti, saluo sibi contenemento suo: et mercator eodem modo salua mercandisa sua, et villanus alterius quam noster, eodem mod̄ amerciet saluo Wainagio suo, si inciderit in misericozdiam nostram. Et nulla p̄dictarū misericozdiarū ponatur, nisi per sacrament̄ prozozum & legal̄ hominū de vicineto. Comites et barones, non amercientur nisi per pares suos, et non nisi secundū modum delicti. Nulla ecclesiastica persona amercietur secundum quantitatem beneficij sui ecclesiastici, sed secundum laicum ten̄ suum, & secundum quantitatem delicti.

¶ Bankes

Bankes.1. Cap.15.

¶Nulla villa,nec liber homo distringat facere põtes,aut riparias, nisi q̃ ab antiquo & de iure facere consueuerũt tẽpore Henricꝰ regis aui nostri |al' de iure facere debent.

¶Bankes,2. Cap.16.

¶Nulle riparie defendantur de cetero, nisi ille q̃ fuerunt in defenso tempore Henrici regis aui nostri |et|p eadem loca, & eosdem terminos,sicut esse consueuerũt tẽpore suo.

¶Plees of the Crowne.1. Cap.17.

¶Nullus vicꝰ, cõstabularius,coronator, vel alij balliui nostri, teneant placita corone nostre.

¶Dette to the king.2. Cap.18.

¶Si quis tenens de nobis laicũ feodũ moriatur,& vicꝰ,vel balliuus noster ostendat litteras nãs patẽtes de |sõmonitione nã| de debito,q̃ defunctꝰ nobis debuit,liceat vicꝰ, vel balliuo nostro attachiare, & imbreuiare omnia bona & catalla defũcti inuẽta in laico feodo ad valẽtiam ipsius debiti,p̃ visũ et testimoñ legal' homiñ, ita tñ qõd nihil inde amoueatur, donec psoluat nobis debit', qõd clarum fuerit,et residuũ relinquatur executoribus ad faciendum testamentũ defuncti. Et si nihil nobis debeatur ab ipso, õnia catalla cedant defuncto, saluis uxori eius, et |liberis| pueris suis,rationabilibus partibus suis.

Castels.1. Cap.19.

¶Nullus cõstabularius,vel eius balliuꝰ

capiat blada, vel alia catalla alicuius q̃ non sit de villa vbi castrum suum situm est, nisi statim reddat denarios, aut respectum inde habere possit de voluntate venditoris. Si autem de villa illa fuer̃ infra quadraginta dies precium redd̃ | W. 1. ca. 7. et 31.

¶ Castels. 2. cap. 20.

¶ Nullus constabularius distringat aliquem militem, ad dandum denarios p̃ custod̃ castri, si ipse eam facere voluerit, in propria persona sua, vel per alium̃ probum hominem faciat, si ipse eam facere non possit, propter rationabilem causam. Et si nos abduxerimus, vel miserimus eum in exercitum, sit quietus de custodia castri secundum quãtitatem temporis, quo per nos fuerit in exercitu, de feod̃ pro quo fecit seruicium in exercitu.

¶ Purueiours. 1. cap. 21.

¶ Nullus viĩ vel balliuus nr̃, vel aliquis alius, capiat equos, vel carectas alicui⁹ pro cariagio faciẽdo, nisi reddat liberationẽ antiq⁹ statut̃, sc̃z p̃ vna carecta ad duos equos decem denarios per diem, et pro carecta ad tres equos quatuordecim den̄ p̃ diẽ. Nulla carecta dñica alicuius persone ecclesiastice, vel militis, vel alicuius dñi p̃ balliuos nr̃os capiatur, nec nos, nec balliui nostri, nec alij capiemus boscum alienum ad castra, vel ad alia agenda nostra, nisi per voluntatem illi⁹ cuius boscus ille fuerit.

¶ Forfeiture. 1. cap. 22.

¶ Nos non tenebimus terras illor̃, qui con-

conuicti fuerint de felonia, nisi p vnum annum et vnum diem: et tunc reddantur terē ille dñis feodorum. |Prerog. regis ca. vlt.

¶ Weres. 1. cap. 23.

¶ Omnes Kidelli deponantur de cetēr penitus p Thamesiam, & Medewein, & per totā Angl', nisi per costeram maris.

¶ Right. 1. cap. 24.

¶ Breue quod vocatur Precip̄ in capit̄, de cetero non fiat alicui de aliquo libero tenemento, vnde liber homo perdat curiam suā.

¶ Weights. 1. cap. 25.

¶ Una mensura vini sit per totum regn̄ nostrum, & vna mensura seruicie, & vna mēsura bladi, scilicet quarterium Lond̄, et vna latitudo pannorum, tinctorum, russarorū, et haubergettarū, scz due vlne infra listas. De ponderibus vero sit sicut de mensuris.

¶ Fine to the king. 1. cap. 26.

¶ Nihil de cetero detur, p breui inquisitionis, ab eo qui inquisitionem petit de vita, vel de membris, sed gratis concedat, & non negetur. |W. 2. ca. 29.

¶ Wardes. 3. cap. 27.

¶ Si aliqui tenēt de nobis p feod̄ firmā, vel per socagium, vel burgagiū, & de alio teneant terram per seruicium militare, nos nō habebim⁹ custodiā heredis, nec terē sue, que est de feodo alterius, occasione illius feodi firme, vel socagij, vel burgagij. Nec habebim⁹ custodiā illius feod̄ firme, vel socagij, vel burgagij, nisi ipsa feodi firma nobis debeat seruicium militare. Nos non habebimus

custodiā

custodiam heredis, vel alicuius terre quam tenet de aliquo alio per seruitium militare, occasione alicuius parue seriantie, quã tenet de nobis per seruitiũ, reddendo nobis cultel-tos, sagittas, vel hutusmodi.

¶ Wager of law. 1. Cap. 28.

¶ Nullus ballliuus de cetero ponat aliquẽ ad legem manifestam, nec ad iuramentũ simplici loquela sua, sine testibus fidelibus, ad hoc inductis.

¶ Accusation 1. Chap. 29.

¶ Nullus liber homo capiat, vel imprisonetur, aut dissesietur de libero tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut vtlagetur, aut exuletur, aut aliquo modo destruat, nec super eũ ibimus nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terre. Nulli vendemus, nulli negabimus, aut differemus iustitiam vel rectum.

¶ Merchants. 1. Chap. 30.

¶ Omnes mercatores, nisi publice antea prohibiti fuerint, habeant saluum & securũ conductũ, exire de Anglia, et venire in Angliam, et morari, et ire per Angliam, tam per terram, quã per aquam, ad emendũ vel vendendum, sine omnibus malis tolnetis p antiquas & rectas consuetudines, preterquam in tempore guerre. Et si sint de terra cõtra nos guerrina, et tales inueniantur in terra nostra in principio guerre, attachientur sine dampno corporũ suorum | vel | rerum, donec sciatur a nobis, vel a capitali Iustic. nostro, quo-

quomodo mercatores terre nostre tractantur, qui tunc inueniantur in t̃ra illa contra nos guerrina. Et si nr̃i salui sint ibi, alij salui sint in terra nostra.

¶ Tenure. 2. Cap. 31.

¶ Si q̃s tenuerit de aliqua escaeta, sicut de honore Wallingforde, Noting. Boloiñ, | Lanc. | et de alijs escaetis, que sunt in mañ nostra, & sint baronie, et obierit, heres eius non det aliud releuiũ, nec faciet nobis aliud seruiciũ quã faceret baroni, si | illa | baronia esset in manu baronis, et nos eodẽ modo eã tenebimus, quo baro eã tenuit. Nec nos occasione talis baronie vel escaete habebimus aliquam escaetam, vel custodiam aliquorum nostrorum hominũ, nisi de nobis alibi tenuerit in capite ille qui tenuit | de | baronia vel escaeta illa.

¶ Tenure. 3. Cap. 32.

¶ Nullus liber homo det de cetero amplius alicui, vel vendat | alicui | de terra tua, quã vt de residuo terre sue possit sufficient̃ fieri domino feodi seruitium ei debitum, qd̃ pertinet ad feodum illud.

¶ Vacations &c. 1. Cap. 33.

¶ Omnes patroni abbatiarũ, q̃ hñt chartas regũ Anglie de aduocatione, vel ãtiquã tenurã vel possessioñ, hẽant earũ custodiam cum | vacauerint | sicut habet̃ debent, sicut superius declaratum est | ca. 5. |

¶ Appelles 1. Cap. 34.

¶ Null⁹ capiat̃ aut imprisonet̃ propt̃ appellũ femine de morte alteri⁹ quã viri sui.

County

¶ County & Tourne. 1. cap. 35.

¶ Nullus comitatus de cetero teneatur nisi de mense in mensem, & vbi maior termin⁹ esse solebat, maior sit | vide 2. Ed. 6. cap. 25. | Nec aliquis vicecomes vel baliu⁹ su⁹ fac turnum suum per hundredum, nisi bis in anno, et nō nisi in loco debito et cōsueto, videl semel post Pascha, & iterum post festū sācti Michaelis. Et visus de franc̄ pleg. tūc fiat ad illum terminum sancti Michaelis sine occasione. Ita sc̄z quod q̄libet habeat libertates suas, quas habuit vel habere cōsuevit tempore regis Henrici aui nostri, vel quas postea perquisiuit. Fiat autē visus de franc̄ pleg. sic, videlicet quod pax nostra teneat & quod Trithinga teneatur integra sicut esse consueuit, & quod vicecomes non querat occasiones, & contentus sit de eo quod vic̄ habere consuevit de visu suo faciendo, tempore H. regis aui nostri. | vide Mart' cap. 10.

¶ Mortmaine. 1. cap. 36.

¶ Nec liceat de cetero alicui, dare terram suā alicui domui religiose, ita q̄ illā resumat de eadem domo tenēd̄. Nec liceat alicui domui religiose terrā alicuius sic accipere, q̄ tradat illā illi a quo eam accepit tenend̄. Si quis autem de cetet̄ terram suam alicui domui religiose sic dederit, & sup hoc cōuincatur, donum suū penitus cassetur, & tra illa domino illius feodi incurratur | vide statutū de Religiosis. anñ. 3. E. 1.

¶ Escuage. 1. cap. 37.

¶ Scutagiū de cetero capiat sicut capi con-

consueuit tempore H. regis aui nostri.

¶ Fraunchises. 3. cap. 38.

¶ Et salue sint archiepiscopis, episcopis, abbatibus, prioribus, templariis, hospitalariis, comitibus, baronibus, & omnib⁹ aliis tã ecclesiasticis personis quam secularibus, omnes libertates et libere consuetudines quas prius habuerũt. Omnes autem istas cõsuetudines & libertates predictas quas concessimus in regno nõo tenendõ (quãtũ ad nos ptinent) erga nos et heredes nostros obseruemus, et omnes de regno nostro tam clerici q̃ laici obseruent (quantũ ad se pertinent) erga suos. Pro hac autem donatione & concessione libertat istat & aliarũ libertat contentarum in Charta nostra de libertatib⁹ forestæ, archiepiscopi, episcopi, abbates, priores, comites, barones, milites, libere tenentes & omnes de regno nostro dederunt nobis quintodecimã partẽ omniũ mobilium suorũ | vide stat 7. añ. 25. E. 3. | Concessimus etiã eisdẽ pro nobis et heredibus nr̃is, quod nec nos nec heredes nostri, aliquid perquiremus, per quod libertates in hac Charta contente infringantur vel infirmentur. Et si ab aliquo contra hoc aliquid perquisit fuerit, nihil valeat et pro nullo habeatur. His testibus Bonifacio Cantuarien̄ Archiepiscopo E. Londoñ Episcopo, et aliis. Datum apud Westm decimo die Februarij, Anno regni nostri nono.

¶ Nos autẽ donationes et concessiones predictas ratas habentes, & gratas, eas pro

nobis

nobis et heredibus nostris, concedimus & cõfirmamus, ealqz tenoze pzesentiũ innouamuz volentes et concedentes pzo nobis et heredibus nostris, quod Charta nostra pzedẽ in omnibus & singulis suis articulis in perpetuum firmiter et inuiolabiliter obseruetur, etiam si aliqui articuli in eadem Charta cõtenti, hucusqz forsitan non fuerint obseruati, de cetero obseruentur. His testibus venerabilibus patribus R. Cantuarien Archiepiscopo totius Anglie pzimati A. Dunelm Episcopo &c. Datum per manum nostram apud Westmonasterium xxviij. die Martij. Anno regni nostri vicesimo octauo. | Vide Marlebr̃ ca. 5.|

¶ Charta de Foresta edita. Anno ix. Henrici. iij.

EDward⁹ dei gratia, rex anglie, dominus Hiberñ, & dux Aquitañ, archiepiscopis, episcopis, abbatibus, pzioribus, comẽ, baroñ, Justic. | forestariis | vic. ꝓpositis, ministris, & omnibus balliuis, & fidelibus suis salutẽ. Inspeximus chartam domini H. quondam reg. Anglie patris nostri, de foresta in hec vba, Henricus dei gratia &c. vt supza in pzincipio Magne Charte.

¶ Foresta. 1. cap. 1.

¶ In primis omnes Forestę, quas H. auus noster afforestauit, videantur per bonos & leg. homines. Et si boscū aliquē alium ꝙ suū dñicū afforestauerit, ad dampnum illius cuius boscus ille fuerit, statū deafforestet. Et si boscum suum propium afforestauerit, remaneat forestа, salua coīa de herbagio, & aliis in eadem forestа, illis qui prius eam habere consueuerunt.

2 ¶ Homines vero qui manēt extra forestā non veniant de cetero coram iustic nostris de forestа p cōes sūmonitiones, nisi sint implacitati, vel plegij alicuius vel aliquorū, qui attachiati sunt propter forestam.

3 ¶ Omnes autē boſci qui fuerūt afforestati per regem Ricm auunculum nostrū, vel per regem Johannem patrem nostrum vsq; ad primā coronationem nostr̄, statim deafforestentur, nisi sit dominicus boscus noster.

4 Archiepiscopi, episcopi, abbates, priores, comites, barones, milites, et liberi tenentes qui habent boscos suos in forestis, habeant boscos suos, sicut eos habuerunt tempore prime coronationis regis Henrici aui nostri ita qđ quieti sint in perpetuum, de omnibus purpresturis, vastis, & assertis, factis in illis boscis post illud tempus vsq; ad principium secundi anni coronationis nostr̄. Et qui de cetero vastum, purpresturam, vel assartum, (sine licentia nostra) in illis fecerint de vastis, purpresturis & assartis nobis respōdeant.

5 ¶ Regarda

5 ¶ Regardatores nostri, eant per forestā ad faciendū regardum, sicut fieri consuevit tempore prime coronationis regis H. aui nr̄ & non aliter.

6 ¶ Inquisitio vel visus de expeditatione canū existentium in foresta nostra, de cetero fiat qñ fieri dz regardū, sc̄z de tercio anno in tercium annum. Et tunc fiat p visum & testimonium leg. hoīm, et non aliter. Et ille cui⁹ canis inuentus fuerit tunc non expeditatus det pro mia tres solidos. Et de cetero nullus bos capiatur pro expeditatione canum. Talis autem expeditatio fiat per assisam cōmuniter vsitatam, videlicet quod tres ortelli abscindantur sine pellota de pede anteriori. Nec expeditent canes de cetero, nisi in locis vbi consueuerunt expeditari tempore prime coronationis pred̄ regis H. aui nostri.

7 ¶ Nullus forestarius, vel al' balliuus de cetet̄ faciat scotalas, vel colligat harbas, vel auenā, vel bladū aliquod, vel agnos, vel porcellos, nec aliquam collectā faciat, nisi p visū et sacm̄ xij. regardatorū, quando faciūt regardū. Et ot forestarij ponantur ad forestas custodiend̄ quot ad illas custodiend̄ rōnabilit̄ viderint sufficere.

8 ¶ Nullum Swanimotum de cetero teneat in regno nostro, nisi ter in anno, videlicet in principio xb. dierum ante festum sancti Michaelis, quando agistatores nostri conueniunt ad agistand̄ dnicos boscos nostros & circa festum Sancti Martini in hieme qñ agistatores nr̄i debent recipere pannagiū

nostrum

nostrum. Et ad ista duas Swanimota conueniant forestarij, viridarij, & agistatores & nulli alij p districtionē. Et tertiū Swanimotū teneatur in initio. xv. dierū ante festum sancti Johannis Baptiste, pro venatione bestiarum nostrarum. Et ad illud Swanimotū tenendū conueniant forestarij, viridarij, et non alij p districtionem. Preterea singulis. xl. diebus per totū annū conueniant forestarij, et viridarij, ad videndū attachiamenta de foresta, tam de veridi quam de venatione, p presentationem ipsorū forestariorum, & coram ipsis attachiet. Predicta autē Swanimota non teneantur nisi in com, in quibus tenere consueuerunt.

9 Unusquisq; liber homo agistet boscū suū in foresta p voluntate sua, & habeat pannagium suū. Concedimus etiā q' unusquisque liber homo ducere possit porcos suos p dñicum boscū nr̄m, libere & sine impedimēto ad agistandū eos in boscis suis pprijs, vl' alibi vbi voluerit. Et si porci alicuius liberi hominis vna nocte pernoctauerint in foresta nostra, non inde occasionet vnde aliquid de suo perdat.

10 Nullus de cetero amittat vitam, vl' membra p venatione nr̄a. Sed si quis captꝰ fuerit & conuictꝰ de captione venationis nr̄e, grauiet redimat, si habeat vnde redimi possit. Si autem nō habeat vnde redimi possit, iaceat in prisona nr̄a p vnum annū et vnū diem. Et si post vnū annū & vnum diem pleg. inuenīr possit quod amplius de vena-

tione nostra non fuerit satisfactum | exeat de prisona, sin autem, abiuret regnum Anglie.

11 ¶ Quicunq; archiepiscopus, episcopus, comes, vel baro, veniens ad nos ad mandatum nostrum, transierit per forestam nostram, liceat ei capere unam bestiam, vel duas, per visum forestarii si presens fuerit, sin autem faciat cornare, ne videatur hoc furtive facere. Hoc idem liceat eis redeundo facere, sicut predictum est.

12 ¶ Nullus liber homo de cetero sine occasione faciat in bosco suo, vel in terra sua sive in aqua que habet in foresta nostra, molendinum, stagnum, marleram, fossatum, vel terram arabilem extra coopertum in terra arabili, ita quod non sit ad nocumentum alicuius vicini.

13 ¶ Nullus liber homo habeat in boscis suis aereas accipitrum, espervarium, falconum, aquilarum, et hicronum. Habeat similiter vel, quod invenerit fuerit in boscis suis.

14 ¶ Nullus forestarius de cetero, qui non sit forestarius de feodo, reddens nobis firmam pro balliua sua, capiat chimmagium aliquod in balliua sua. Forestarius autem de feodo firmam nobis reddens pro balliua sua, capiat chimmagium, videlicet pro carecta per diem ad annum duos denarios, et per alium dimidium annum, duos denarios, et pro equo qui portet summagium per diem ad annum obulum, et pro alio dimidio anno obulum, et non nisi de illis, qui de extra balliuam suam, tanquam mercatores veniunt pro licentia suam, in balliuam suam, ad boscum maremium, cortices, vel carbonem emendum, et alibi

ducendum

ducend̄ ad vendendum vbi voluerint. Et de nulla alia carecta, vel |equo portante| sūmagiū aliqd̄ chimmagium capiatur. Et nō capiatur chimmagiū, nisi in locis in quib⁹ antiquitus capi solebat et debuit. Illi autē q̄ portant supra dorsum suum boscum, corticē vel carbonem ad vendēd̄, q̄uis inde viuant, nullum de cetero dent chimagiū forestarijs nostris, preterq̄ in dominicis boscis nostris.

15 ¶ Omnes vtlagati pro foresta |tātum| a tempore regis H. aui nr̄i vsq; ad primam coronationem nr̄am, veniāt ad pacem nr̄am sine impedimento, & saluos pleg. nobis inueniant, quod de cetero non forisfacient nobis in foresta nostra.

16 ¶ Nullus constabularius, castellanus, vel balliuus teneat placita de foresta, siue de viridi, siue de venatione |nostra| sed quilibet forestarius de feodo attachiet placita de foresta, tam de viridi quam de venatione, & ea presentet viridarijs prouinciarū, et cū irrotulata fuerint, et sub sigillis viridariorum inclusa, p̄sententur capitalibus iustic̄ nostris de foresta, cum in partes illas venerint ad tenend̄ placita de foresta, et corā eis t̄minēt̄. Has aut libertates de forestis concessim⁹ ōnib⁹ &c. Saluis archiep̄is, episcopis, abbatibus, prioribus, com̄, baronib⁹, militib⁹, et alijs p̄sonis tam ecclesiasticis quam secularibus, tēplarijs, et hospitalarijs, libertatibus et liberis cōsuetudinibus in forestis, et extra, in warrennis et alijs, quas prius habuerunt:

Omnes autē istas cōsuetudines &c. vt in fine magne Charte. ¶Nos autē donationes &c. vt in fine eiusdem magne Charte &c | Vide Marlebr̄, cap. 5.

¶Incipit Statutum de Merton edit' Anno. xx. Hen. iii. &c.

DIuisū est in Curia domini regis apud Mertō, die Mercurij, in crastino sancti Vincentij, anno regni regis Hērici filij regis Johannis xx. coram W. Cantuariensi archiepiscopo, et coepiscopis, suffraganeis suis, & coram maiori parte comitum & baronū Anglie ibidem existentium, pro coronatione ipsius domini regis et Helionore regine, p̄ quas omnes vocati fuerunt, cum tractatum esset de communi vtilitate regni super articulis subscriptis, ita prouisum fuit et concessum, tam a predictis archiepiscopis, episcopis, comitibus, baronibus, quam ab ipso rege, et alijs.

¶Dower I. cap. I.

¶De viduis primo, que post mortem virorum suorum, expelluntur de dotibus suis, et dotes suas, vel quarentenam | suam | habere non possunt sine placito, videlicet quod quicunq; deforciauerit eis dotes suas, vel quarentenam suam, de tenementis de quibus viri sui obierint seisit̄, et ipse vidue postea p̄ | placitum | recuperauerint, ipsi | defor̄ | de iniusto

iniusto deforciamento conuicti fuerint, reddant eisdem viduis dāpna sua, scilicet valorem totius dotis eas contingentis, a tēpore mortis virorum suorum, vsq; ad diē quo ipse vidue per iudicium curie seisinam suam inde recuperauerint. Et nihillominus ipsi deforciatores sint in misericordia domini regis.

¶VVilles.1. Cap.2.

¶Item ōnes vidue de cetero possint legar̄ blada sua, de t̄ra sua, tam de dotib⁹ suis, q̄ de alijs terris et tenementis suis, saluis | consuetudinibus ⁊ | seruitijs dominorū de feodo, que de dotibus ⁊ alijs teñ suis debentur.

¶Redisseisin.1. Cap.3.

¶Item si q̄s fuerit disseisit̄ d̄ libero teñ suo, ⁊ corā iustic̄ itinerantibus seisinam suā recuperauerit, ꝑ assisam noue disseisine, vel per recognitionem eorū qui fecerint disseisinam, et ipse disseisitus per vic̄, seisinam suā habuerit, si ijdē disseisitores postea, post iter iustic̄ vel infra, de eodem teñ iterum eundē conquerentem disseisiuerint, et inde conuicti fuerint, statim capiantur ⁊ in prisona domini regis detineantur, quousq; per dominum regem per redēptionem, vel aliquo alio modo, deliberentur. | Vide Marlebr̄ capit̄.8. | Et hec est forma qualit̄ tales conuicti puniri debeant, videlicet cū cōquerentes ad curiā veniant, habeāt br̄e dñi regis vic̄ directū, in quo contineatur eorū narratio de disseisina facta super disseisinam. Et ideo mandet̄

vic̄, ꝙ assūptis secum custodibus placitorū corone dñi regis, & alijs legalib⁹ militibus in ꝓpria ꝑsona sua accedat ad teñ illud, vel ad pasturam illam, de quibus facta fuerit q̄rela, et corā eis per primos iuratores, & ꝑ alios vicinos, & legales homines | de vicineto illo | diligētem inde faciat inq̄sitionem. Et si ipsum iterum inuenerint disseisitū (sicut predictum est) tunc faciant secundum ꝓuisionem predictam, sin autem, tunc sit conq̄rens in misericordia domini regis, & alius quietus recedat. Nec debet vic̄ (sine speciali precepto dñi regis) huiusmodi loquelam prosequi. Eodem modo fiat de illis, q̄ seisinā recuperauerint ꝑ assisā mortis ātecessoris, et similiter de omnibus t̄ris & teñ recuperatis ꝑ iurat̄ in curia domini regis, si postea disseisiti fuerint a prioribus deforciatoribus, vers⁹ quos recuperauerint periurat̄ quoquomodo, | vide W. 2. ca. 26.

¶ Approuements. 1. cap. 4.

¶ Item quia multi magnates Anglie, q̄ feoffauerunt milites et | alios | libere tenētes suos de paruis tenementis in magnis manerijs suis, questi fuerunt, quod commodū suum facere non potuerunt de residuo maneriorum suorum, sicut de vastis, boscis, et pasturis | communibus | cum ipsi feoffati, habeant sufficientem pasturam, quātum pertinet ad teñ sua | ita | prouisum est, et concessum, quod quicunq; huiusmodi feoffati assisam noue disseisine deferant de communia pasture sue, et corā iustic̄ recognitum fuerit

quod

quod tantam pasturam habeant, quantum sufficet ad ten̄ sua, et quod habeant liberum ingressum et egressum, de|liberis|tenementis suis, vsq; ad pasturam suam: tunc inde sint contenti, et illi de q̄bus conquesti fuerint recedant quieti, de hoc quod communitatē suā de terris, vastis, boscis, et pasturis fecerint. Si autem dixerint, q̄ sufficientem pasturam non habeant, vel sufficientem ingressū|vel|egressum, quantum pertinet ad ten̄ sua, tunc inquirat veritas per assisam. Et si p assisam recognitum fuerit, quod per eosdem defforciatores, in aliqua fuerit impeditus, eorum ingressus vel egressus, vel q̄ non habeant sufficientem pasturam, & sufficientem ingressum et egressū, sicut p̄dictum est: tunc recuperent seisinam suam, per visum iuratorum, ita q̄ per discretionem et sacramentum eorum, habeant conquerentes sufficientem pasturā, et sufficientem ingressum & egressum in forma p̄dicta, & disseisitores sint in mia dn̄i regis, & dāpna reddāt, sicut reddi solent ante p̄uisionem istam. Si autem recognitum fuerit p assisam, q̄ querentes sufficientem habeant pasturā, cū libero & sufficienti ingressu & egressu, sicut p̄dictum est: tunc licite|et libere|faciant|dn̄i|commodū suū de reddituo, et recedant de illa assisa quieti.|W.2.ca.48.|

¶Vsury.1. cap.5.

¶Similiter p̄uisum est, & a domino rege concessū, quod de cetero nō currēt vsure cōtra aliquem infra etatem existen̄, a tempore

mortis antecessoris sui, cuius heres ipse est, vsq; ad legittimam etatem suam, ita tamen qđ propter hoc non remaneat solutio debiti principalis simul cum vsuris ante mortem antecessoris sui, cuius heres ipse est inde ꝓuenientibus.

¶ Wardes. 4. cap. 6.

¶ De heređ per parentes, vel per alios, contra pacem vi abductis, vel detentis, seu maritatis, ita prouisum est, quod quicunque laicus inde conuictus fuerit, qđ puerū aliquem sic detenuerit, abduxerit, seu maritauerit, reddat perdenti valorem maritagij: et pro delicto corpus eius capiat, vt imprisonetur, donec perdenti emandauerit delictū, si puer maritetur: et preterea donec domino regi satisfecerit ꝓ trāsgressione sua. Et hoc de herede infra quatuordecim ānos existen. De herede autem cū sit quatuordecim ānorum, vel vltra, vsq; ad plenam etatem, si se maritauerit sine licentia dñi sui vt ei auferat maritagiū suū, et domin⁹ eius offerat ei rationabile maritagium, vbi non desperagetur dominus suus, tunc teneat terrā eius vltra terminum etatis suę, scilicet .xxj. annorū, per tantū tēpus qđ inde possit percipere duplē valorē maritagij, secundū estimationem legaliū hominum, vel scđum qđ ei ꝓ eođ maritagio prius fuerit oblat sine fraude & malitia, & secundo qđ ꝓbari poterit in curia domini regis.

¶ Wardes. 5. cap. 7.

¶ De dñis qui maritauerint illos quos habent

habēt in custod̄ villanis vel alijs, sicut burgens. vbi desperagent̄: si talis heres fuerit infra xiiij. annos & talis etatis qd̄ cōsentire non possit matrimonio: tunc si parentes cōquerantur de illo dño, dñs ille amittat custodiam vsq; ad etatem heredis, & omne cōmodū, quod inde ꝑceptum fuerit, conuertat̄ in commodum ipsius heredis qui infra etat̄ est, secundum dispositionem & prouisionem parentum suorū, propter dedecus ei factum. Si autē fuerit. 14. ānorū & vltra, qd̄ cōsentire poterit, et tali maritagio cōsenserit, nulla sequatur pena. Si quis heres cuiuscunq; fuerit etatis pro dño suo se noluerit maritare, non compellat̄ hoc facere, sed cū ad etatē ꝑuenerit, det dño suo & satisfaciat ei de tāto quantū inde ꝑcipere posset ab aliquo ꝓ maritagio suo antequā t̄ram suam recipiat, et hoc siue se voluerit maritare, siue non: quia maritagium eius, q̄ infra etatem est, de mero iure pertinet ad dominum feodi.

¶ Limitac. 1. Cap. 8.

¶ De narratione discens⁹ in br̄i de recto ab antecessore a tēpore H. regis senioris anno & die, prouisū est qd̄ de cetero nō fiat mētio de tā longinquo tempore, sed a tempore H. regis aui nostri, & locū habeat ista prouisio ad Penthecosteñ Anno regni dñi regis nūc. xxj. & nō antea: & breuia prius impetrata procedant. Breuia mortis antecessoris, de natiuis, & de ingressu, non excedant vltimū redit̄ dñi regis Johānis d̄ Hiberñ in Angliam, & locum habeat ista ꝓuisio &c. vt sup̄.

Breuia

Breuia noue diss. non excedant primā trāsf. dñi regis qui nunc est in Vascoñ, & locū habeat ista ꝓuisio a tēpore pred, et breuia ꝑus impetrata procedant. | Vide. W. 1. cap. 39. et 32. H. 8. cap. 2.

¶ Bastardy. 1. Cap. 9.

¶ Ad brē regis de Bastardia vtrū aliq̄s natus ante matrimoniū habere poterit hereditatē, sicut ille q̄ natus est post matrimoniū, responderunt oēs episcopi, quod nolunt nec possunt ad istud breue respōdere, q̄a hoc esset contra cōmunem formam ecclesie. Et rogauerūt omnes episcopi magnates, vt cōsentirent, quod nati ante matrimoniū essent legittimi, sicut illi q̄ nati sūt post matrimoniū, quantū ad successionem hereditariam, quia ecclesia tales habet pro legittimis. Et oēs comites & barones vna voce respōderūt qd̄ nolunt leges Anglie mutare, q̄ hucusq̄ vsitate sunt & approbate.

¶ Atturney. 1. cap. 10.

¶ Prouisum est insuper, quod quilibet liber homo, qui sectam debet ad com̄, trithingū, hundred, et wapent, vel ad curiam domini sui, libere possit facere attorñ suum, ad sectas illas ꝓ eo faciendas.

¶ Forests. 17. cap. 11.

¶ De malefactoribus in parcis & viuarijs nondū est discussum, quia magnates petierunt propriam prisonam de illis, quos caperent in parcis et viuarijs suis. Quod quidem dominus rex contradixit, et ideo differtur.

¶ Dies

¶ Dies communes in banco, edit. An. li. H. 3.

¶ Dayes in banke. I. cap. I.

SI bre venerit in oct sancti Michaelis, tūc dabit dies in oct sācti Hillarij. Si in q̄ndeñ sācti Michael', in q̄ndena sancti Hillarij. Si tribus septimanis sancti Michaelis, in crastiñ Purificationis beate Marie, Si in mense sancti Michaelis in oct Purificatioñ beate Marie. Si in crastino animarum, in quindena Pasche. Si in crastino sancti Martini in tribus septimanis Pasche. Si in oct sācti Martini in mense Pasche. Si in quindena sancti Martini, in v. septimañ. Pasche. Et est quidam dies specialit dat⁹ in crastino Ascentionis domini, et tm̄ valet quant. v. septim̄ Pasche. Si in octab. sancti Hill' in oct sancte Trinitatis. Si in xv. sc̄ti Hill' in xv. sācte Trinitat, et aliqñ in crastino sancti Johannis Bapt. Si in crastino Purific̄ beate Marie, in crastino, et in octa. sancti Johānis Bap. Si in oct Purificac̄ in xv. sancti Johannis Bap. Si in quindena Pasche, in oct sancte Michaelis. Si in tribus septim̄ Pasche in q̄ndena sācti Michaelis. Si in mense Pasche, in tribus septimanis sancti Michael'. Si in v septimanis Pasche vel in crastino Ascensionis domini, in mense sancti Michaelis, si in oct sancte Trinitatis, in crastino animarum.

Si

Si in q̄ndena sācte Trinitatis, vel in crastino sancti Johannis Bapt̄ in crastino cōti Martiñ. Si ī octa. cōti Jo. Bapt̄, in octa. sācti Martini. Si in q̄ndena sancti Johānis Bap. in quindena sācti Martini. Et sic respondet quilibet terminus alij | Vide. 32. H. 8. cap. 21.

¶ Dies communes in bāco in placito dotis edit̄. An. li. H. 3.

¶ Dayes in banke. 2.

SI in octa. sancti Michaelis brē venerit, dabitur dies in crastino animar̄. Si in q̄ndena sācti Michaelis, dabitur dies in crastino sancti Martini. Si in mense sancti Michaelis, in xb. Martini. Si in crastino animar̄ in oct̄ sancti Hillarij. Si in crastino Martini in xb. Hillar̄. Si in oct̄ Mart̄, in crastino Purificationis. Si in quindena Martini, in oct̄ purifac̄. Si in oct̄ Hillarij, in xb. Pasch. Si in quindena Hill̄, in tribus septim̄ Pasch. Si in crastino Purific̄, in mēse Pasch. Si in oct̄ Purificatiō, in crastino Ascensionis. Si in quindena Paschę, in oct̄ Trinitatis. Si in tribus septim̄ Paschę, in xb. Trinitatis. Si in mēse Paschę, in crastino sancti Johannis Bapt̄. Si in b. septim̄ Paschę in oct̄ sancti Johannis. Si in crastiñ Ascēcionis dñi, in xb. cōti Johānis,

Si

Si in octabis Trinitatis, in octabis sancti Michaelis. Si in quindena sancte Trinitatis, in xv. sancti Michaelis. Si in crastino sancti Johannis Baptiste, in iij. septim̃ sancti Michaelis. Si in octab. sancti Johannis Baptiste, in mense sancte Michaelis. Si in quindena sancti Johānis Baptiste, in crastino animarum. Vide. 32. H. 8. ca. 21.

¶ Statutū de Marlebridge edit anno. lii. H. iii.

ANno gratie M. CC lxvij. regni autē dñi Hēr̄ filij regis Johānus quinquagesimo scdo, in octa. sancti Martini prouidēte ipso dño rege, ad regni sui Anglie meliorationem, et exhibitionem iusticie (prout regalis officij exposcit vtilitas) pleniorem, conuocatis discretioribus eiusdem regni, tam maioribus quam minoribus, prouisum est, et statut̄, ac concordatum et ordinatum, vt cum regnum Anglie multis tribulationibus et dissensionum incommodis nuper [esset] deperessum, reformatione legum & iurium (quibus pax & trāquilitas incolarum conseruetur) indicat, ad qđ remedium salubre per ipsū regem & suos fideles oportuit adhiberi: prouisiones, ordinationes, et statuta subscripta, ab omnibus regni ipsius incolis, tam maioribus quā minoribus, firmiter et inuiolabiliter tēporibus perpe-

perpetuis statuerit obseruari.

¶Distres. I. cap. I.

¶Cum autem tempore turbationis nuper ī regno Anglie suborte, & deiceps, multi magnates, et alij iustitiam indignati fuerint, recipere per dominum regem et curiam suam, prout debuerunt, & consueuerunt temporibus predecessorū ipsius domini regis et etiam tempore suo: sed de vicinis suis, et alijs per seipsos graues vltiones fecerint, et districtiones, quousqz redemptiones receperint ad voluntatem suam. Et preterea quidam eorum, se per ministros domini regis iusticiarij non permittant, nec sustineant qō per ipsos liberentur districtiones, quas auctoritate propria fecerint ad voluntatē suam: ¶Prouisum est, concordat̄, et concessum, qō tam maiores quā minores, iusticiam habeāt et recipiant in curia domini regis: Et nullꝰ de cetero vltiones, aut districtiones faciat p voluntatem suam, absqz consideratione curie domini regis, si forte dampnū vel iniuria sibi fiat, vnde emendas habere voluerit de aliquo vicino suo, siue maiore siue minore. Super articulo autē supradicto prouisū est et concessū, qō si quis de cetero vltiones huiusmodi capiat p voluntatem suā propriā absqz cōsideratione curē dñi regis (vt ꝓdictū est) et inde conuincatur, puniatur p redemptionē, et hoc secūdū quantitatem delicti. Et similiter si vicinꝰ sup vicinū suū faciat districtionē, sine cōsideratione curē dñi regis, p qō dampnū habeat, puniatur eodē modo, et

hoc

hoc secundū quantitatem delicti. Et nihilominus fiant emende plene & sufficienter eis, qui dāpna sustinuerint ꝑ huiusmodi districtiones.

¶Distres.2. cap.2.

¶ Nullus insuꝑ maioꝛ vel minoꝛ distringat aliquem ad veniend̄ ad cur̄ suā, q̄ nō sit de feodo suo, aut suꝑ ipsū nō habeat iurisdictionē ꝑ hundred̄ |swapētag.| vel balliuā,| que sua sit |nec districtiones faciat extra feodum suū, seu locū vbi balliuam habeat vel iurisdictionē. Et qui contra hoc statutum fecerit, puniatur eodē modo, et hoc secundum delicti quantitatē, |et etiā qualitatem.

¶Distres.3. Cap 3.

¶ Si quis autem maioꝛ vel minoꝛ, ꝑmittere noluerit liberari per ministros domini regis, secundū legem et consuetudinem regni, districtiones quas fecerit: aut etiā sustinere noluerit summonitiones, attachiamēta, executiones iudicioꝛū curie domini regis fieri| secūdum legem et consuetudinē regni vt pred̄ est| puniatur modo ꝑdicto, tanquā se iusticiari non permittens, & hoc secundū delicti quantitatē. Et si quis maioꝛ vel minoꝛ districtiones faciat suꝑ tenentē suū, ꝑ seruitijs & consuetudinibus, que sibi deberi dicat, vel pro re altera, vnde ad dn̄m feodi ꝑtineat districtiones facere, et postea conuincat̄, qd̄ tenēs ea sibi nō debeat: nō ideo puniat̄ dn̄s ꝑ redēptionē, vt in supꝛadictis casibus, si ꝑmittat districtiones deliberari secundū legē et consuetudinem regni: sed amercietur,

velut

velut hactenus consuetum est, & tenens dãpna sua recuperet versus eũ.

¶ Distres. 4. Cap. 4.

¶ Nullus de cetero faciat ducere districtiones, quas fecerit, extra comitatum in quo capte fuerint. Et si vicinus hoc fecerit super vicinum suum, et per voluntatem suam, et sine iudicio, puniatur per redemptionem vt supra, veluti de re |facta| contra pacem. Meruntamen si dominus hoc super tenentem suum facere presumpserit, castigetur p grauem misericordiam. Districtiones insup sint rationabiles, et non nimis graues. Et qui districtiones fecerint irrationabiles, et indebitas, grauiter amerciẽtur propter excessum districtionũ ipsarum. |Vide statutũ anno. 1. & 2. P. & M. cap. 13.

¶ Confirmation. 1. cap. 5.

¶ Magna charta in singulis suis articulis teneatur, tam in his que ad regem pertinent, quam que ad alios, et hoc coram iustic itinerantibus in suis itineribus, & vic in com suis, cum opus fuerit, demandetur, et breuia versus eos qui contrauenerint gratis cõcedantur coram rege, vel coram iustic. de banco, vel coram iustic. itinerantibus cum in partes illas venerint. Similiter ¶ harta de foresta in singulis suis articulis teneatur, et contrauenientes per dñm regem cum conuicti fuerint grauiter puniãt modo supradõ.

¶ VVardes. 6. cap. 6.

¶ De his autem qui primogenitos & heredes suos infra etatem existentes feoffare

solent

ſolent de hereditate ſua, vt per hoc amitterēt dñi feodorum cuſtodias ſuas. Prouiſum eſt concordatum et conceſſū, quod occaſione huiuſmodi |falſa| feoffamenti, nullus capitalis dominus amittat cuſtodiam ſuam. De his inſuper qui de terris ſuis, quas tradere voluerint ad terminū annorum, vt per hoc domini feodorum amittāt cuſtodias ſuas, falſa fingunt feoffamēta cōtinētia, qđ eis ſatisfactū eſt de ſumma ſeruitij in illis contenti vſq; ad terminum aliquem: ita quod ſi ad dictum terminum ſoluere teneantur huiuſmodi feoffati ſummam aliquam ad valorem terrarum illarum, vel in multo excedentem, vt ſic poſt terminum illum terra eorum reuertatur ad ipſos, vel ad hered̄ ſuos, eo quod nemo eam pro tanto tenere curaret. Prouiſum eſt, concordatum et conceſſū, vt per huiuſmodi fraudem nullus capitalis dñs amittat cuſtodiam ſuam: Veruntamen non licebit eis huiuſmodi feoffatos ſine iudicio diſſeiſire: ſed breuia habeant de huiuſmodi cuſtodia ſibi reddenda, & p teſtes in chartis de huiuſmodi feoffamēto contentos, vna cum alijs liberis & legal' hominibus de patria, et per quantitatem & valorem ten̄, & p quantitatem ſumme, que inde reddi debeant poſt terminum |predictum| attingatur vtrum huiuſmodi feoffamenta bona fide facta ſint, an in fraud̄, ad auferendū capital' dñis feodorum cuſtodiam ſuam. Si vero capital' domini per iudicium curie in huiuſmodi caſibus recuperauerint cuſtodiā ſuam, ſalua ſit nihilomin⁹ huiuſmod̄ feoffatis

actio sua, quod ad terminum, seu ad feodū recuperandū, quam inde habuerint cum heredes ad legitimam etatem peruenerint. Et si aliqui capitales domini feoffatos aliquos malitiose implacitauerint, fingētes casum istū, maxime vbi feoffamenta legitime & bona fide facta fuerint, tunc adiudicentur feoffatis dāna sua, & misericordia, quas fecerint occasione p̄dicti placiti, et ipsi actores p̄ misericordia grauiter puniantur.

¶ Wardes. 7. cap. 7.

¶ In placito vero communi de custodijs, si ad magnam districtionem nō venerint defensores, tunc bis, vel ter iteretur breue p̄dictū ad terminos, quibus fieri poterit, infra medietatē anni sequent, ita q̄ singulis vicibus legatur breue in pleno com̄, |nisi al' vbi| prius inuētus fuerit defensor. Et ibi publice denunciet, vt veniat ad diem sibi p̄fixū. Quod si ipse extunc se subtraxerit, ita q̄ infra medietatem anni p̄dicti responsuē non venerit, nec vic̄ eum inuenire possit, p̄ quod corpus suum habere non possit coram iustic̄, ad respondendū scōm legem & cons. regni, tūc tanq̄ rebellis, & se iusticiarij non permittens amittat seisinam huiusmodi custodie, salua sibi alias actione sua, si forte ius habeat ad eandem. In casibus aut̄ vbi custodie pertinēt ad custodes heredū infra etatē existentiū | versus custodes illas | petatus custodiem que accidit heredi |illis | tanquam pertinent ad eorum hereditates, nō amittāt huiusmodi heredes infra etatem existentes hereditatē

suam

suam per negligentiam, vel rebellionē suorū custodū, sicut in casu predicto, sed currat lex communis eodem modo quo prius currere consueuit.

¶ Redisseisin. 2. cap. 8.

¶ Illi autē qui pro iterata disseisina capt̄ fuerint, & detenti, non deliberentur sine speciali precepto domini regis, et hoc per finem cū dño rege inde faciend̄ pro huiusmodi trāsgr̄ sua. Et si compertum fuerit quod vic̄ aliter eos deliberauerit, propter hoc grauiter amercietur, et nihilominus illi qui per vicecomitem, sine precepto domini regis, sic deliberantur, pro sua transgressione grauiter puniantur. | Merton. capitul'. 3. Westm̄. 2. capitulo. 26.

¶ Suite. 1. cap. 9.

¶ De sectis vero faciendis ad curiā magnatum, vel ad curiam aliorum dominiorum ipsarum cur̄, de cetero sic obseruandum est, quod nullus qui per chartam feoffatus est, distringat̄ de cetero ad huiusmodi sectam faciendam ad curiam domini sui nisi per formā | feoffamenti sui | specialiter teneatur ad sectā illam faciend̄. His autem exceptis quorum antecessores, vel ipsimet, huiusmodi sectam facere consueuerunt ante primam transfretationem predicti domini regis H. in Britāniā a tempore cuius transfretationis elapsi sunt xxxix. anni, & medietas vnius anni | ad tēpus | quo huiusmodi constitutionis fuerunt statute. Similiter nullus feoffatus, a tempore cōquestus | sine charta | vel aliquo alio antiquo

feoffamento distringatur ad huiusmodi sectã faciendõ, nisi ipsimet, vel antecessores sui, eam facere consueuerunt ante primam transfretationem predictam. Qui autem per cartã pro certo seruicio, vel ut pro libero seruitio tot solidorum annuatim pro omni seruitio soluendõ feoffati sunt ad huiusmodi sectam, vel ad aliud, contra formam feoffamenti sui, de cetero non teneantur. Et si hereditas aliqua, de qua tantum vnica secta debeatur, ad plures heredes participes eiusdẽ hereditatis deuoluat, ille vero qui habet amitiam partem hereditatis illius, vnicam faciet sectam pro se et participibus suis, & alij participes sui p portione sua, contribuant ad sectam illam faciẽd. Et si plures feoffati fuerint de hereditate aliqua, de qua tamen vnica secta debeatur, dominus illius feodi vnicam sectam inde habeat, nec possit de predicta hereditate nisi vnicã sectam exigẽ, sicut prius inde fieri consueuit. Et si feoffati illi warrantum, vel medium non habeant, qui |inde| eos acquietare debeat, tũc omnes illi feoffati, pro portione sua, contribuant |p portione sua| ad sectam illam pro eis faciendõ. Si autẽ contingat, quod domini cũ tenentes suos, contra hanc constitutionẽ, pro huiusmodi secta distringãt, tunc ad queremoniam tenentium illorum attachientur eorum domini, quod ad curiam regis veniant ad vltimum diem inde responsuri, & vnicum inde habeant essonium, si fuerint in regno, & incontinenti deliberentur conquerẽti aueria sua, siue alie destrictiones hac occasione facte, & deliberate

tate remaneãt, donec placitum inde int cos terminetur. Et si domini curiarũ, q̃ huiusmodi districtiones fecerint, ad diẽ, ad quem attachiati fuerint, nõ venerint, vel diem, per essoniũ sibi datum, non obseruauerint, tunc mandetur vic̃ qõd eos ad alium diem venire faciat, ad quem diem si non venerint, tũc mãdetur vic. quod distringat eos per omnia catalla, que habẽt in balliua sua, ita quod vic. respondeat dño regi de exit̃ dicte heredũ, et qõd habeat corpora eorũ ad cert̃ diem sibi p̃figendum coram Justic. Ita quod si ad diẽ illum non venerint, eat pars conq̃rens inde sine die, & aueria sua, siue alie districtiones hac occasione facte, deliberata remaneãt, donec ipsi dñi sectã illã recuperauerint p consideratiõnẽ curie regis, & cessent interim huiusmodi districtiones, saluo dñis cuĩ iuĩ suo de sectis illis recuperandũ in forma iuris, cũ inde loqui voluerint. Et cũ domini curiarũ inde venerint responsuri conquerentibus de huiusmodi districtionibus, et sup hoc cõuincant, tũc per cons. curie dñi regis recuperẽt versus eos conq̃rentes dãpna sua que sustinuerint occasione districtionis p̃dc̃. Simili aũt modo si tenentes, post hanc constitutionẽ, subtrahant dominis |feodorũ| sectas quas facere |debeant| et quas ante tẽpus p̃dict̃ transfretationis, & hactenus facere cõsueuerunt, tunc per candẽ iusticiam & celeritatẽ quo ad dies p̃figendũ, & districtiones adiudicandũ, consequantur dñi curiarũ iustitiam de sectis illis q̃uirendũ, vna cũ damp-

nis suis, quemadmodum tenentes dāna sua recuperarent. Et hoc scz de damnis recuperandō, intelligatur de subtractionib⁹ sibi factis, et non de subtractionibus factis p̄decessoribus suis. Ueruntamē dñi cur̄ vers⁹ tenentes suos seisinam d̄ huiusmod̄ sectis recuperare non poterunt per defaltam, sicut p̄i⁹ fieri consueuit. De sectis autē, que ante tempus supradictum subtracte fuerūt, curat lex communis, sicut p̄ius currere consuecuit.

¶ County et Tourne 2. cap. 10.

¶ De tournis vic̄ p̄ouisum est, quod necesse nō habeant ibi venire archiepiscopi, ep̄i, abbates, p̄riores, comites, barones, nec aliq̄ viri religiosi, seu mulieres, nisi eorum p̄sentia ob aliquam causam specialiter exigatur, sed teneatur turnus, sicut tēporibus p̄decessorum dñi regis teneri consueuit. Et qui in |diuersis |hundr̄ habeant tēta |nō habeant necesse ad huiusmodi turnos venire, nisi in balliuis ubi fuerant cōuersantes. Et teneant̄ turni secundum formam magne charte, et sicut temporibus regum Ric̄ et Johannis teneri consueuerunt. Vide W. cap. 35.

¶ Beaupleder. 1. cap. 11.

¶ P̄ouisum est etiam, q̄ nec in itinere iustic̄, nec in com̄, in hundr̄, nec in cur̄ baron̄ de cetero capiant̄ fines ab aliquibus p̄ pulchre placitando, neq̄ |pro co |q̄ nō occasionē-tur. Et sciendū est, q̄ per istam constitutionē non tolluntur fines certi, seu p̄stationes ar-

arrentate a tempore quo dominus rex prim̄ transfretauit in Britanniam vsq; nunc.

¶ Dies in banke. 3. cap. 12.

¶ In placito vero dotis, quod dicit̄ vnde nihil habet, dentur de cetero quatuor dies ꝑ annum ad minus, & plures si commode fieri poterit, ita qd̄ habeāt quinq; vel sex dies ad minus per annum. In assisis |autē| vltime presentationis, et in placito quare impedit de ecclesijs vacantibus, dent̄ dies de q̄ndena in xv. vel de tribus septimanis in tres septimanas, prout locus fuerit propinquus, vel remotus.

¶ Quare impedit. 1.

¶ Et in placito quare impedit si ad primū diem ad quem summonitus fuerit, non venerit nec essoin̄ miserit impeditor, tūc attachiet̄ ad aliū diē, quo die si nō venerit, nec essoin̄ miserit distringat̄ ꝑ magnā distriction̄ superi⁹ datā. Et si tūc nō venerit, ꝑ ei⁹ defaltā scribat̄ ep̄o illi⁹ loci ꝙ reclamatio impeditoris illa vice conq̄renti non obsistat, saluo impeditori alias iur̄ suo, cum inde loq̄ voluerit. Eadem lex de attachiamentis faciend̄, in ōnibus breuibus, vbi attachiamēt̄ iacent, de cetero (quo ad districtiones faciend̄) firmit̄ obseruet̄: ita tamē ꝙ secund̄ attachiament̄ fiat ꝑ meliores pleg. & postmod̄ vltima districtio. |vide art̄ sup̄| cartas ca. 15.

¶ Essoine. 1. cap. 13.

¶ Et sciend̄ est |quod| postq̄ aliquis posuerit se in inquisitionem aliquam, que emerserit, vel emergere poterit in huiusmodi

bꝛeuibus, non habebit nisi vnicum essoñ, vel vnicam defaultam, ita quod si ad diem sibi datum per essonium suum non venerit, aut secundo die defaultam fecerit, tūc inquisitio illa per eius defaultam capiatur, et secundū inquisitionem illam ad iudiciū pꝛocedatur. Si vero inquisitio illa capt fuerit ī coñ coram viꝯ vel coꝛoñ, ad iustic. domini regis ad cert diē est remittend. Et si pars rea nō venerit ad diē illum, tunc pꝛopter defaultam ipsius, assignet ꝛ alius dies, secundū discretionem iustic, et mandet vic, quod ad diem illum faciat eū venire ad audiendū iuditiū suum (si velit) secundū inquisitionem illam Ad quem diem si non venerit, pꝛopter defaltam suam pꝛocedatur ad iudicium. Eodem modo fiat, si non venat ad diem sibi dat per essonium suum.

¶ Iurrours. I. Cap. 14.

De chartis vero exemptionis, ꝛ libertatis ne ponāt impetrantes in assisis, iuratis vel recognitionibus aliquibus, pꝛouisū est, quod si adeo necessarium sit eoꝛum iuramentum, qđ sine eis iustitia exhiberi nō poterit (veluti in magnis assisis, et in perābulationibus, ꝛ in cartis vel scriptis conventionū, vbi fuerunt testes nominati, aut in attinctis, vel aliis casibus cōsimilibus,) iurāt cogant, salua sibi alias libertate, ꝛ exemptione sua pꝛedicta.

¶ Distres. 5. Cap. 15.

Nullis de cetet liceat, ex quacūq; causa districtiones facere extra feodum suum, nec

in

in via regia, aut in communi strata, nisi dño regi, et ministris suis, specialem authoritatem ad hoc habentibus |W.1.ca.16.|

¶ Mortdaunceſter. 1. Cap. 16.

¶ Si heres aliquis post mortē antecessoris sui infra etatē extiterit, et dominꝰ suus custodiam terrarum, et teñ suorū habuerit, si dominus ille dicto heredi, cū ad legittimā etatem peruenerit, terram suam sine placito reddere noluerit, heres ille terram suam per assisam mortis antecessoris recuperabit, vna cum dāpnis suis, que sustinuerit ꝓpter detentionem illam, a tēpore quo fuit legittime etatis. Et si heres aliquis tēpore mortis antecessoris sui plene etatis fuerit, et ille heres apparens, et pro herede cognitus & inuent̄ sit in hereditate illa, capitalis dominus eum non eiciat nec aliquid ibi capiat, vel amoueat, sed tamen inde simplicem seisinā habeat pro recognitione dominij sui, vt pro domino cognoscat. Et si capit̄ dominus hm̄odi hered extra seisinam malicioſe teneat, propter quod breue mortis antecessoris, vel consanguinitatis oportcat ipsum impetrare, tunc dampna sua recuperet sicut in assisa no. dicit. De hereditatibus autem, que de domino rege teñ in capit̄, sic obseruand̄ est, vt dominꝰ ter primam inde habeat seisinam, sicut prius inde habere consueuit. ¶ Nec heres, nec aliqs alius in hereditatem illam se intrudat, priꝰ quam illam de manibus domini regis recipiat, prout huiusmodi hereditas de manibꝰ ipsius & antecessorū suorū recipi cōsueuerit

tem-

temporibus elapsis. Et hoc intelligatur de terris et feodis, q̃ ratione seruitij militaris vel seriantie, siue iuris patronatus in manibus domini regis esse consueuerunt. |Vide Prerog. cap. 3. & Glanuill. l. 7. ca. 9. fo. 4.

¶ Wardes. 8. cap. 17.

¶ Prouisum est insuper, quod si terra, que tenet̃ in locagio, sit in custodia parent̃ hered̃ eo quod heres infra etat̃ extitet̃, custod̃ illi vastum facere non possunt, nec venditionem nec aliquam destructionem d̃ hereditate illa, sed saluo eam custodiant ad op⁹ dicti hered̃, ita quod cum ad legitimam etatem peruenerit, sibi rñdeant de exit̃ dicti hereditatis, per legalem computatioñ, saluis ipsis custodibus rationabilibus misis suis. Nec etiam possunt dicti custodes maritagium dicti heredis dare vel vendere, nisi ad commod̃ dicti heredis, sed parẽtes dicti hered̃ ꝓpinquiores, qui huiusmodi custod̃ habuerint, a toto tempore illo a quo breuia nō concedunt̃ implacitandi, huiusmodi custodias habeant ad commodum heredum vt predictum est, sine vasto, vel exilio, vel destructione facienda.

¶ Amercement. 1. cap. 18.

¶ Nullus escactor, vel inquisitor, aut iustic̃ ad assisas aliquas specialiter capiend̃ assigñ, vel ad querelas aliquas audiend̃ & terminand̃, de cetero habeant pt̃atem aliquam amerciandi pro defalta communis summonitionis, nisi capit̃ iustic̃, vel iustic̃ itinerantes in itineribus suis.

¶ Essoine

¶ Essoine. 2. Cap. 19.

¶ De essonijs autem prouisum est, qđ in com, hundred, aut in curia baron, vel alijs cũ nullus habeat necesse iurare pro essonio suo warrãtizand | vide Glanuill. li. 1. ca. 12. fol. 4.

¶ Faux iudgement. 1. Cap. 20.

¶ Nullus de cetero (excepto dño rege) teneat placitum in curia sua de falso iudicio facto in cur̃ ten̄ suorum, quia huiusmodi placita specialiter spectant ad coronam, & dignitatem domini regis.

¶ Replevin. 1. Cap. 21.

¶ Prouisum est etiam quod si averia alicuius capiantur, et iniuste detineantur, vic̃ post queremoniã inde sibi factã, ea sine impedimento vel contradictione cuius qui dicta averia ceperit, deliberare possit, si extra libertates capta fuer̃. Et si infra libertates capta fuerint hm̃odi averia, & ballivi libertatis ea deliberare nolucrint, tũc vic̃ p defectu ipsorum ballivorum ea faciat deliberari.

¶ Freeholde. 1. cap. 22.

¶ Null⁹ de cetero possit distringere libere tenẽtes suos ad rn̄dend̄ de libero ten̄to suo nec de aliqbus ad liber̄ ten̄ suũ spectantibus, nec iurare faciat libere tenẽtes suos cõtra voluntatẽ suã, quia hoc null⁹ facere potest, sine precepto domini regis.

¶ Accompt. 1. cap. 23.

¶ Prouisum est etiam quod si ballivi, & compn̄ suum dominis suis reddere tenent̄ se subtraxerint, et terras vel tenementa

non

non habuerint, per q̄ distringi possint, tunc per eorum corpora attachient, ita qd̄ vic̄ in cuius balliua inueniāt, eos venire faciat ad compm̄ suum reddend̄.

¶VVast.3. Cap.23.

¶Item firmarij tempore firmar̄ suarum vastum, venditionem, vel exilium nō faciēt de domibus, boscis, vel hominibus, nec de aliquibus ad ten̄ q̄ ad firmam habent spectāt nisi specialem inde habuerint concessionē p scriptum cōuentionis mētionem faciens qd̄ hoc facere possunt. Quod si fecerint, & super hoc conuincantur, dampna plena restituāt, & p mīam grauiter puniantur.

¶ Iustice in Eire.1. Cap.24.

¶Iusticiarij itinerantes de cetero non amercient villatas in itinere suo, pro eo quod singuli xij. annorū non venerint coram vic̄ et coron̄, ad inquisitiones de roberijs, incendijs domorum, vel alijs ad coronam spectātibus faciend̄, dū tn̄ de villatis illis veniant sufficiētes, p quos inquisitiones huiusmodi plene fieri pn̄t, exceptis inq̄sitionib⁹ d̄ morte hominis faciend̄, vbi omnes xij. annorum venire debent, nisi rationabilem causam habeant absentie sue.

¶Murder.1. Cap.25.

¶Murdrum de cetero non adiudicetur corā iustic̄, vbi infortuniū tm̄modo adiudicatum est, sed locum habeat murdrū de interfectis per feloniam tantum, et non aliter.

¶Voucher.1. Cap.26.

¶Prouisum est quod nullus, qui coram

Iustic̄

Iustic. itinerantibus vocatur ad warrant in placito terre, vel ten̄, amercietur de cetero, ꝑ eo quod presens non fuerit quando vocatur ad warrantum (excepto primo die aduentus iusticiar̄ ipsorum) sed si |warrantus| ille fuerit infra com̄, tunc iniungatur vic. quod ipsū infra tercium diem, vel quartum (secundū locorum distantiam) faciat venire, sicut in itinere iustic. fieri consueuit. Et si extra comit̄ maneat, tunc rationabilem habeat summonitionem xv dierum ad minus, secundum discretionem iustic. & legem cōmunem.

¶ Mainprise and Baile. I. cap. 27.

¶ Si clericus aliquis pro crimine aliquo vel recto quod ad coronam pertineat, arestatus fuerit, et postmodum per preceptum domini regis in balliuū traditus |fuerit| vel replegiatus extiterit, ita quod hij quibus traditus fuerit in balliuum, cum habeant coram iustic. non amercientur de cetero illi quibus tradit̄ fuerit in balliuum, nec alij pleg. sui, si corpus suum habeant coram iustic. licet corā eis propter priuilegium clericale respondere noluerit, vel non potuerit propter ordinarios suos.

¶ Monasteries &c. I. cap. 28.

¶ Prouisum est quod si depredationes, vel rapini aliqui fiant abbatibus, prioribus, vel alijs prelatis ecclesiasticis, & ipsi ius suum de huiusmodi depredationibus prosequētes morte p̄ueniant̄ anteq̄ iudiciū inde fuerint assecuti, successores eorum habeant actiones ad bona ecclesie sue de manibus huiusmodi

modi transgr̄ repetēd̄. Similem insuper habeant actionem succ̄ de his que domui sue et ecclesie/recēt̄/ante obitum predecessorū suorum per huiusmodi violentiam fuerint subtracta, licet predicti predecessores sui ius suū prosecuti non fuerunt in vita sua. Si autem in terris, et tenementis huiusmodi religiosorum, de quibus eorum prelati obierint seisit̄ vt de iure ecclesie sue, aliqui se intrudant tēpore vacationis, successores sui br̄e habeant de seisina sua recuperand̄, et adiudicentur eis damna sua, sicut in noua disseisina adiudicari consueuit.

¶Entre of writtes. I. cap. 29.

¶ Prouisum est etiam, quod si alienationes ille, de quibus breue de ingressu dari cōsueuit, per tot gradus fiant, per quot breue illud in forma prius vsitata fieri non possit, habeant conquerentes breue ad recuperandū seisinam suam, sine mentione graduum, ad cuiuscunque manus per huiusmodi alienationes, res illa deuenerit, per breue originale, & per/commune/consilium domini regis inde prouidendum &c.

VVestm̃ primer edit añ. 3. Edwardi. 1.

CEux sont les establishmentes le roy Edward ũtz le roy H. faits a Westm̃, a son primer parliamẽt general apres son coronement, lẽdemaine de la cluse de Pasche ian de son raigne: p son cõsel, & par lassentm̃ts des archeuesqz, euesqz, abbes, priours, cõtes, barõs, & iour la cõmunaltie de la tre illõqz somons. Pur ceo q̃ nr̃e seigniour le Roy ad graũd̃ volunte & desire del estate de sõ realm̃ redresser en les choses ou miest̃ est damendem̃t, & ceo pur le comen profite de saint esglise, & de [sõ] realm̃, & pur ceo q̃ lestate de sõ realm̃ & de sait esgl' ad este maleme̅t garde̅, & les prelates & religious de la tre en multz des maners grieues, & le peple autrement trete q̃ estre duist, et la peas meins garde̅, & les leis meins vses, & les mis fesants meins punis, q̃ estre duissẽt, p quoy les gẽtz de la tr̃ doubteront meins a mesfaire, cy ad le roy ordeigne & establie, les choses southscriptes, les queux il entende̅ destr̃ profitables et couenables a tout la roialme.

¶ Monasteries. 1. cap. 1.

¶ En primes voet le roy, & cõmaunde q̃ la peas de saint esgl', & de la terr̃, soit bñ garde̅ & mainteigñ en toutes pointes, et que commen droitur̃ soit fait a toutes, auribien as poners come as riches, sans regarde̅ de nul-

luy

luy. Et pur ceo que les abbes, et les meaſõs de religion de la terre ont eſte ſurcharges et greues malement, per le venue des graũdes gents et dauters, que lour biens ne ſufficiẽt a eux meſmes per que les religious ſont oya bates & impoueres, quilz ne poient eux meſmes ſuſteignñ, ne la |charge de| charity queis ſoilent faire. Purueu eſt qui nul ne veigne manger, harbarger, ne giſer a meaſon de religion dauter auowſon, qz de la laine, al coſtages de la meaſon, ſil ne ſoit pzie et requis ſpecialment par le gouernour de la meaſon, auant quil veigne. Et que nul a ſes coſtagez demeſne, ne enẽ, ne veignñ giſer encounter la volũte ceux de la meaſõ. Et par cel eſtaẽ nẽtendõ pas le roy, que grace de hoſpitality ſoit ſuſtreit as beſoignes, ne que les auowes dez meaſons les puiſſent par lour ſouẽt venues ſurcharger ne deſtruer. Purueu eſt enſemẽt q̃ nul graunꝺ ne petit, par colour de parenẽ ou deſpecialty, ou par auter affiance, ne p auter encheſon, ne courge en auter parke, ne peſhe en auter viuer, ne veigne manger ne herberger, en meaſon, ne en maner ou en meaſon de ꝑlate, ne de home de religion, ne dautẽ enconter la volunte le ſeigniour, ou le bailife de coſtages le ſeigniour, ne a ſon coſt demeſne. Et ſil veigne, ou enter per le gree, ou ſans le gree le ſeigniour ou le bailife, nul ſaru re, huis, ne feneſtre, ne nul maner de ferme ne faire oꝛerer, ne de pecher par ſoye ne p auter ne nul maner de vitaile ne auter choſe pzeignñ par colour de achate, ne autrement. Et que

nul

nul face barter blee ne prender blee, ne nul maner de vitaile, ne les autrs biēs, de nulluy prelate, home de religion, nec de auter, ne de clerk, ne de lay, par colour de achate, ne autrement, encounter la bone volunte et le cōge de celuy, a que la chose serra, sou de gardein, deines ville, marchandise, ou de hors. Et que nul preigñ chiuals, boefs, chares, ne charrets, nefes, ne bateux ne autres choses affaire, cariage, sans le bone volunte de celuy, a que les choses serront. Et si il par la bone volunte de celuy le face, lors mayntenant face son grce solonqz le couenāt fait entre eux. Et ceux que viendront encounter l's estabilishments auantdits, et de ceo soient atteints, soient aiudges a la prison le roy, & dillonques soient rentes, et punis solonques la quantitie et le maner du trespas, et solonque ceo que la roy en sa court deiē que bien soit. Et fait assauer que si ceux, a que le trñs sunt fait, voillent suer les damages, que ils auēt rescouz, lour serra agardō et restore au double Et ceux que le trespaz aueront fait soiēt ensement punis en le maner auātdit. Et si nul ne voile suer, eit le roy la suite come de chose fait encounter son defence, & encounter sa peas. Et le roy fra enquire de an en an, si cōe il quidra que bien soit, queux gents eient tiel trespas fait. Et ceux queux serront endites p̄ ceux enquests, serront attaches & distreign̄ p̄ la graūde distresse de vener a certayne iour, que conteigne le space dune mois en la court dl roy ou la ou luy plerē. Et si ceux ne veign̄

a cel iour ils serrount auterfoits de recheff distreign̄ per mesme distr̄, de vener a vn aut̄ iour, que conteign̄ le space de. vi. semaygnes. Et si ceux adonques ne veignont, soient aiudges come attaintes, et rendent le double (per le suit del roy) a ceux queux le dam̄ aueront resceux, et soyent greuement reintes solonque le maner de trespas. Et le roy def. et commaunde, q̄ nul desormes ne face mal', dam̄, ne greuance a nul home de religion, person de saint esglise, ne a auter ꝑ encheson de ceo que ils eient deny lostoll', ou le manger a nulluy, ou per encheason de ceo que ascū soy pleint en court de ceo q̄l soit greue des ascūs choses auantdits, et si ascū le face, & de c̄ soit attaint, soit encurrue la peine auantdit. Et est purueu q̄ ces pointes auantditz liēt auxi bien nous coñcellours, iustices de forests, et auters nous iustices, come auters gents. Et que les points auantdits soient mainteygnes, gardes, et tenus, cy defend̄ le roy sur sa greue forfaiture, q̄ nul prelate, abbe, priour, home de religion, ou bailliffe dascun de eux, ou de auter ne resceue nul home encounter la forme auantdit. Et que nul enuoy a meason, ne au manor de religion, ne de aut̄ hōe, gents, chiuals, ne chiēs a soiorn̄ ne nul |les| resceu. Et qui le fra, pur ceo que est encounter le defence et le commaundement le roy, il serra punis greuement. Uncor̄ est purueu que viē ne herbergent oue nully, ouesqz pluz que sinque ou. vi. chiualx, ne que ils ne greeuent la gent de religion, ne auters per lour

souent

souent venire, ou giser a lour measons, ne a lour manors.

¶ Clergy I. cap. 2.

¶ Purueu est ensement que quant clarke est prise pur rette de felony, et il soit demaūd par lordinary, il luy soyt lyuer, solonque le priuiledge de saint esglise, en tiel paril come ils appent, solonque la custome auant ces heures vse. Et le roy amonest les prelates & eux enioint en la foy q̄ ils luy doiuēr, & pur la cōmon profit de la peace de la terr̄, q̄ ceux queux sont endictes de tiel rette par solempn̄ enquest des probes homes fait en la court d̄l roy, en nul man̄ ne les deliuerēt sās due purgation, issint q̄ le roy neit mister de mitt̄ auter remedy.

¶ Escape. I. cap. 3.

¶ Purueu est ensement, que nul rien desormes soit demaunde, ne prise, ne leue par viscount, ne par auter, pur eschape de laron̄ ou felon̄, iesqz a tant que leschape soit aiudge par Justices errantes. Et que auterment le ferra, cy rendra a celuy, ou a ceux que cel aueront pay, quant | que | il auer̄ pris & resceu et au roy au tant.

¶ Wreke. I. cap. 4.

¶ De wreke de mere est accord̄, que la ou home, chyen, ou chate eschap̄ vifz hors de la niefe, la niefe, ou batell', ou nul ryen, que la eins fuit, ne soit | adiudge | wreke, mes soiēt les chosez sauez & gardez p̄ le vieu d̄l vir̄ coron̄, ou al' | et | delbaillif l' roy, & baillifs en les mais ceux de la vill', ou lez choses sōt troues

issint que si nul | sue | les biens, & puit prouer q̄ls | soient, | ou a son seigniour, ou en sa gard̄ peris, dedeins lan et le iour, sans delay luy soyent rendus, si non, remaigne au roy, & soient prises par le vic. & coroners, et | bailles | a la ville pur respoign̄ deuāt iustices, de wreke que appent au roy. Et la ou wreke appent a auter que au roy, si le eit per mesme le man̄. Et que auterment fra, & de ceo soit attaint, soit agard̄ al prison, et rent al volunte le roy & rendra les dam̄ ensement. Et si le baylife le face, et soit disauow de son sn̄r, et le sn̄r ne ottrie de ceo a luy, respoign̄ le baillif, sil eyt de quoy, et sil neit de quoy rendra le sn̄r le corps du baillife au roy.

¶ Election. 1. cap. 5.

¶ Et pur ceo que elections doient estre frankes, si defend̄ le roy sur la griefe forfaiture, que nul haute home ne auter, par poiar des armes, ne par manasses, ne disturbe de faire franke election.

¶ Auerment. 3. cap. 6.

¶ Et que nul citie, borough, ne ville, ne nul home, soit amercy sans reasonable ēcheson, et solonque le quantitie de trn̄s, cestassauoir franke home saue son contenem̄t, merchant saue sa marchandise, & villein saue son gainage, et ceo ꝑ lour piers.

¶ Purueiour. 2. cap. 7.

¶ Des prises des constables, ou chasteleins faits des auters | que des gents de | la ville, ou la chastel sont assise. Purueu est, que nul cōstable ne chastelain desormes nul man̄

de prise

de prise ne face dauter hom̄ que d̄ la vill' ou son chastel est assise, et ceo soit pay, ou gree fait deins xl. iours si ceo ne soit aūcien prise du au roye, ou a chastell, ou a seigniour de chastell.

¶Beaupleder. 2. Cap. 8.

¶Et que nul fine soit pris pur beaupled̄, si come auterfoits fuit defendu en temps le roy Henry pier le roy que ore est | Marlebr̄ cap. 11.

¶Robbery. 1. Cap. 9.

¶Et pur ceo que la peas de la terre ad este feblement gard̄ auaūt ses heures, pur defaut de bone suit fait sur les felonz, solōq̄ due mañ, & nosment per encheasō des franchises ou l'z felonz sōt resceux: Puruieu est, q̄ touts communem̄t soient pristes, & apparailes, au commaundem̄t & a les summons des vic. et au crie de pais, de suer & arrester les feloñ, quant mest̄ serra, auxibien deins frañchises come dehors. Et ceux q̄ ceo ne ferront, et de ceo soient attaints, le roy prēdra a eux greuem̄t. Et si l' default soit troue en le sñr de la frāchise, le roy se prendra a m̄ l' franchise. Et si le def. soit troue en le baillife eit lenp̄sonm̄t dun an, et puiz soit greuement reint, et sil neit de quoy, eit lenprisōm̄t de 2. ans. Et si vic. coroner, ou auter baillife de franchise, ou de hors, per lour ou per p̄er, ou per poies, ou per nul mañ daffinitie, cōcelēt, consentēt, ou ꝓcurent de concell' les felonies faits en lour baillies, ou auterment, se teignont attacher, ou arrest̄ lez missesātz

per la ou ils purr̄ ou auterment se feignont de faire lour office, en nul maner de fauour des missesants, & de ceo soient atteints, que ils eient lenprisonment dune an, et puis soient greuemēt reints a la volunte le roy, sils eient de quoy, sinon, eient lenprisonment de iij. ans.

¶ Coroners I. cap. 10.

¶ Et pur ceo q̄ petits gents meins sages soient eslues ore de nouel cōmunelm̄t al office de coron̄: et meister serroit q̄ probes homes, loialz & sages se entermellent de cel office: Purueu est, q̄ par toutz les counties soient eslues suffisantes hōes coroners, del plus loials & plus sages chiualers, queux melius sachent, puissent, & voillent a cel office entend̄, & que loialmēt attachent, & representent les plees de la corone. Et que le visc. eiet counter rolles oue les coroners, auxibien des appell. come des enquestes, de attachements, ou des auters choses, q̄ a cel office appendent. Et que nul coron̄ riēs dd̄, ne preign̄ de nully pur faire son office, sur peine de le greue forfaiture le roy. | 14. E. 1. stat̄ Exonie |

¶ Odio & Atia. I. cap. 11.

¶ Et pur ceo q̄ plusiours reints de mort de home, & que sont culpable de m̄ la mort sont (per fauorables enquests, prisez par vicont̄, & par briefe le roy q̄ est appell odio et atia) repleuis, iesques a la venue des iustic̄ errants. Purueu est, que tiels enquests soyent desormes prises p̄ probes homes, eslues

par

par serement, dount les deux soient a meins chiualers q̄ per nul affinitie, touchent a les prisonerz ne autermēt ne soient suspectiouz. | Glor̄.ca.9.W.2.ca.29.

¶Felony.4. Cap.12.

¶Puruieu est ensement, q̄ lez felōz escriez et queux sont appertement de male fame, et ne soy voilent mitt̄ en enquestes des felonies, q̄ homes met sur eux deuaunt iustices a le suit le roy, soyent mises en la pryson fort & dure, come ceux queux refusent estre al cōmen ley de la terre. Mes ceo nest mie a entend̄ pur prisonerz q̄ sont prises pur leger̄ suspection.

¶Rape.1. Cap.13.

¶Et le roy defend̄, que nul ne rauise ne preign̄ a force damesel deins age, ne per son grœ, ne saūs son gree, ne dame ne damesel de age, naut̄ fem̄ maugre le souen. Et si nul le face, a le suit celuy que suera deins les xl. iours le roy luy fra cōmen droiture. Et si nul cōmence la suit deins le xl. iours, le roy suera, et ceux queux il trouera culpables, ils aueront la prisonmēt de ij. ans, et puis serront reints a la volūte le roy, et sils neient dont estre reints, soient punis per plus longe prisonment, solonque ceo que le trespas demaund̄.

¶Appels.2. cap.14.

¶Et pur ceo q̄ hōe ad vse en ascun payes de vtlager les gentz appels de commaūdement, force, eid̄, ou de receiptm̄t, deins m̄ la terme q̄ home doit vtlager celuy q̄ est appel

de fait. Puruieu est & commaund̄ ꝑ le roy, q̄ nulle ne soit vtlage pur appell' de commaūdement, force, aide, ou de resceiptment, iesq̄ a taunt que lappellee del fait soit attaint, issint q̄ vn m̄ ley soit de ceo ꝑ tout la terr̄, mes celuy q̄ voet appeller, ne lessa pas pur ceo de attacher son appell', ou ꝓcheiñ county vers ceux, auxibien com̄ vers les appelles du fait, mes lexigēt de eux demurge tanque les apples d̄ fait soient attaints ꝑ vtlagar̄ ou autrement.

¶ Mainprise. 2. Cap. 15.

¶ Et pur ceo q̄ viscounts et aut̄s, queux ount prises & retenus en prison gentz rettez de felony |et| meint foits ount lesse ꝑ repleuin les gentz, q̄ux ne sont my repleuisables et oūt detenus en prisō ceux q̄ux sont repleuisables, ꝑ encheasō de gaign̄ des vnz, & de greuer les auters, et pur ceo que auaūt ces heures ne fuit my determiñ |certeinment| queux gents fuissent repleuisables, & queux non, forspris ceux queux fuissent prises pur mort de home, ou per cōmaundement le roy ou de les iustices, ou pur la forest. Puruieu est, & ꝑ le roy commaunde, que les prisoners queux sont auaūt vtlages, et ceux q̄ux eyent forjure la terr̄, prouours, et ceux queux sont prises oue maner, & ceux queux oūt debruse la prison le roy, larons apiertment escries & notories, et ceux que sont appelles des prouours, tanq̄ come les prouours sont en vie (sils ne soient de bone fame) & ceux q̄ux sōt prises pur arson feloniousment fait, ou pur

faux

faux money, ou fauxer de seale le roy, ou excommēge prise per prieť leuesq̄, ou pur appiert malueist ou pur treasō, q̄ touche le roy mesme, ne soient en nul maner repleuisables per le common briefe, ne saūs bř, Mez ceux q̄ux sont endites de larceny per enq̄sts des viscoūts, ou des baillifes prises de lour offices, ou pur leger suspection, ou pur petit larceny, que namount ouster le value de xij. deniers, sils ne soient rettez dauter larceny deuaūt cel heure, ou rettes de receiptm̄t des larons, ou des felons, ou de commaundem̄t, ou de la force, ou del aide de le feloñ fait, ou rettes dauť trespas, pur le q̄l vn ne doit ꝑdre vie ne membre, & home appell' de ꝓuour puis la mort le prouour, sil ne soit apiert laroñ escrie, soit desormes lesse per suffisant pleuin, deuant le vicont, dont le vic̄ voil' respond̄, & ceo saūs riens doñ de lour bñs pur la pleuin. Et si l'vic̄ ou auť lessent ꝑ pleuin vll', q̄ ne soit repleuisable, si ceo soit vic̄, constable, ou auť baillife de fee que eit garde de prisōs, & d̄ ceo soit attaint, pard̄ le fee & bailie a toutes iours. Et si soit south vic̄, cōstable, ou baill', ou celuy q̄ ad tiel fee pur garder les prisons, et eit ceo fait saūs la volūte son seignior, ou auť baillife que ne soit d̄ fee eit lenprisonm̄t de iij. anz, & soit rent a le volunte le roy. Et si vll' detein les prisoñs repleuisables, puis q̄ le prisoñ eit offre suffisāt suertie, il serr̄ en le greue mercy le roy. Et sil prent iour pur luy deliuerer, il rendra le double au prisoner, et ensement serra en le

greeue

greue mercy le roy | de finibus leuatis. 27. E. 1. cap. 13.

¶ Distres. 6. Cap. 16.

¶ En droit de ceo q̄ ascū gēts parnoūt, et prendre fount les auers dez aut̄z, & lez chasent hors del county ou lez aūs fueront p̄ses. Puruieu est q̄ nul desormes ne le face. Et si vl le face, soit greuem̄t reint solonq̄ ceo q̄ est contenue en les estatutes de Marlebr̄ | ca. 4. | faits en tēps le roy H. pier le roy q̄ ore est. Et p m̄ le mañ soit fait d̄ ceux, q̄ux parnont les auers a tort, & q̄ux sont distres en aut̄ fee, pluis greuem̄t soient punis, si le maner d̄ trespas le demaūd̄. | Marlebridge 1. cap. 15.

¶ Distres. 7. cap. 17.

¶ Puruieu est ensement, q̄ si vl' desormes preigñ les auers des aut̄z, & lez face chas. en chastel, ou en forcelet, et illōquez de deins le close ou chastel, ou d̄ forcelet lez deteigñ encount̄ gage & pledge, pur que les auers serront solempnem̄t dd̄ez per visc̄, ou p auter baill' le roy a la suit del pl', le visc̄ ou le bailife p̄se oue luy power de sō coūtie ou de sa baill', et voile affair̄ de ceo repleuiñ des aūs a celuy q̄ les auer̄ prise, ou a son sñr, ou as auters des homes son seignior quicūq̄ q̄ux sōt troues en le lieu, ou les auers fuerōt enchases. Et si home luy deforce adonq̄s de la deliuerance des auers, ou q̄l ne troue home pur le seigniour, ou pur celuy que les auera prise q̄ respoigñ & face le deliuerance, apres ceo que le seignior, ou parnour, per vic̄ ou p

baillife,

baillife, serra amonest de fair̄ la deliuerance, si soit en paiz, ou pres, ou la ou il purr̄ per le parnour, ou per auters des fees couenablement estr̄ garnie de faire la deliuer̄, sil fuist hors de cel pais quant le prise fuit fait & ne face adonq̄s maintenant les auers deliuer̄, q̄ le roy pur le trn̄s et pur le despite, face abat̄ le chastel ou le forcelet saūs recouer̄, et touts lez damages q̄ le pl. auer̄ resceu d̄ ses auerz, ou de son gaignage desturbe, ou en auter maner puis le prim̄ demaund̄, des auers fait per le vic̄ ou per le baillife, luy soiēt restores au double, de seigniour, ou de celuy q̄ les auers auer̄ prise, sil eit de quoy, & sil neit de quoy, respoign̄ le seignior, q̄l heure et en q̄l maner deliuerance soit fait apres ceo que le visc̄ ou le baillife serra venue pur la deliuerance faire. Et fait assauoir q̄ la ou le visc̄ deuer̄ faire ret̄ del briefe le roy au baillife, le seignior du chastel ou de forcelet, ou a aut̄ a que retorn̄ de briefe le roy appent, si le bailife de cel fraūchise ne face le deliūance, puis q̄ le vic̄ auer̄ le retorn̄ a luy fait, face le visc̄ son office saūs delay, et sur lauaūtdit pein̄. Et per m̄ le man̄ soit fait la deliuerance per attachement de pleint fait saūz briefe, & sur m̄ la peine. Et ceo face a entend̄ per tout la ou le briefe le roy court. Et si ceo soit en le marche de Gales, ou aillourz, la ou le briefe le roy ne court mie, le roy que est soueraign̄ seigniour ent fra droit a ceux q̄ux pleind̄ se voudront.

¶Iustices

¶Iustices en eire. 2. Cap. 18.

¶Pur ceo que la commen fine & amerciamēt de tout le coūty en eyre des iusticez pur faux iudgements, ou pur auter trespas, est assise p vic̄ & barrettourz des coūtiez malement, issint q̄ la sūme est meintfoitz ēcrue, et les parcelz autermēt assise q̄ estre ne duissent, au dam̄ du people, et plusoures foites sont payes as visconts & barrettours, q̄ ne point les acquitent. Purueu est, et voet le roy, q̄ desormes en eire des iustices, deuaūt eux deuaūt lour departur̄ soit tiel sūme assise per serem̄t de chiualers et dez ꝓbes homes sur toutz iceux que escoter deueront: & les iustices facent mitter les parcelz en lour estretes quils liuerent al eschequer, et non pas la sūme totale.

¶Det al roy. 2. Cap. 19.

¶En droit dez visc̄ ou aut̄z q̄ur respoign̄ per lour maines al eschequer, et queux ount resc̄ de les dettez le roy pier le roy q̄ ore est, ou les dettes le roy mesm̄, auaūt cez heures & queux ne ount my acquites de ceo lez dettours al eschequer. Purueu est que le roy enuoiera bones gents per toutz les coūties a oyer touts iceux, q̄ux de ceo plein se voudront, & a termin̄ issint la besoign̄, q̄ ceux q̄ purront mr̄er q̄ls tient issint auaūt paiez a touts iours |ent| serront quitez, le q̄l que lez visconts ou auters serront morts ou viues en certeine fourme q̄ lour serr̄ baill. Et ceux q̄ issint nauer̄ fait, sils soient en viez, serront punis greuement. Et sils soient mortz, lour

heires

heires respoign̄, et soient charges de la dett. Et commaund̄ le roy q̄ les viscounts, & les auters auantdits desormes loialment acquitent les dettours a prochein accompt, puis q̄ ils aueront le det resceux: et donqz soit le det allowe al eschequer, issint q̄ iāmes ne veign̄ en summon̄. Et si le visc. auterment face, et de ceo soit attaint, cy rendra al pl' le treble de ceo quel auer de luy resceu, et soit rent a la volunte le roy. Et bn̄ se gard̄ chescū viscont quil eit tiel resceiuour, pur q̄ il voudra respond̄: car le roy se prendra del tout as visc. et a lour heires. Et si auter que respoign̄ per sa maine al eschequer le face: il rendra le treble al plaintife, et soit rent en mesme le man̄. Et q̄ les visconts facēt tailes a touts iceux q̄ux paieront le det le roy. Et q̄ sa summons de eschequer a touts les dettours, queux demaūder voudront la view, facent monstrer sans denier les a nully, & ceo sans riens prēd̄ de lour, et sans riens don̄, & q̄ ne le fra, le roy se prendra a luy greuement.

¶ Forestes. 18. cap. 20.

¶ Purueu est ensement de misfaisours en parkes, & en viuers, que si vll' de ceo soit attaint per le suite del plaintife soyent agardes bones & hautes amendez, solonquez le man̄ de trespas, et eit la prisonment de trois ans, et dillonqz soit rient a le volūte le roy sil ad de quoy poit estre rient, et lors troua bone suertie q̄l iāmes ne misface. Et sil neit don̄t poit estre issint rient, apres la prisonment de troys ans, troua mesme la suertie. Et sil ne

puisse

puisse trouer la suerty forinr̄ le roialme. Et si nul de ceo rette soit fugitife, et neit terre, ne tenement suffisant per quoy il poit estre iustifie, si court come le roy auera ceo trouer p bone inquest, soit demaund̄ de county en county. Et sil ne veign̄ soit vtlage. Purueu est ensement & accorde, que si vlt̄ ne suit dedeins lan & le iour pur le trespas fait, le roy auer̄ le suite, et ceux q̄ il troūa de ceo rettes per bone enquest, serront punis per mesm̄ le maner en touts points sicome desuis est dit. Et si nul tiel misfesour soit attaint, quil eyt pris en ses parkes bestes domestes, ou aut̄ chose en le maner de roberie en venant, ou demurrant, ou en retornant, soit fait de luy common ley, q̄ affiert a celuy que est attaint de appt̄ robbery & larceny, auxibien a la suit le roy come dauter.

¶ Wardes.9. cap.21.

¶ En droit des terres des heires deynes age, q̄ux sont en le gard̄ lour seigniors, purueu est, que les gardeins les gardent, & susteynent, sans destruction fair̄ en tout rien: et que de tiels manners de gardes soit fayt en touts points solonqz ceo que est contenue en le graunde charter des franchises fait en temps le roy H. pier le roy que ore est | M. C.ca.4.5. & 6. | Et qui issint soit vse desormes, & per m̄ le maner soyent gardes ss archeuesqz, euesques, abbes, esglises et dignities en tēps de vacation. | Vide articuli sup cartas.cap.18.

¶ Wardes

¶Wardes.10. Cap 22.

¶Des heires maries deines age, sans le gree de lour gardeins auant q̄ ils eient passes lage de.xiiij.ans, soit fait solonqz ceo que est contenue en le purveyance de Merton cap.6. Et de ceux q̄ serront marries sans le gree de lour gardeines puis quels aueront passes lage de xiiij. ans, le gardein eit l' double value de son mariage, solonqz la tenure de mesme la purueyance, Ouster ceo ceux q̄ux aueront sustrete le mariage, rendent le droit value del mariage al gardeine pur le trespas, et ialemeins le roy eit les amendes solonqz mesme le purueiance de celuy que le auer̄ sustreit. W.2.cap.35. Et des heires femals, puis q̄ls aueront accomplis lage de xiiij. ans, et le seigniour a que le maryage appent celes ne voudra marier, mes pur couetise de la terre les voudra tenir dismarye. Purueu est que le seigniour ne puit auer ne tener per encheason del mariage les terres a tyels heires females ouster deux ans aprez la terme des auātditz.xiiij.ans. Et si le seigniour deynes les deux ans ne les marie, dōquez eiant els action de recouerer lour heritage quitement sans ryen doñ pur le gard̄ ou pur le mariage. Et si els per malice, ou per malueies counsell ne se voillent pur lour chiefe seigniours marier, ou els ne soyent disperages, q̄ les seigniours teignēt la t̄re & la heritage iesqz al age del infant male, cest ascauoir de xxi.ans et ouster, iesque ils eyent prises le value del mariage.

¶Dette

¶Dette.1. cap.23.

¶Purueu est ensemēt, q̄ en citye, burgh, vill', faire, ne en marche, ne soit nul home foreñ, q̄ soit de cest royalme, distreine pur det, dont il nest dettour ou pledge, et que le fra, serr̄ greuousement punie, et sans delay soite le distresse deliuer per les baillifes du lyeu, ou per auters bayllyfes le Roy, si mestier soyt.

¶Assise 2. cap.24.

¶Purueu est ensemēt q̄ null' eschetour, visē, nauter bayllife le roy per colour de son office saūs especial garr̄ ou commaūdement ou certaine aucthoritie que appent a son office, ne disseise nul home de son frankr̄, ne de chose q̄ appent a son frankr̄. Et si ascun le fait, soit a la volunte le disseisie, que le roy de son office le face amender a son pleint, ou q̄ il eit la common ley per briefe de Nouel disseisin. Et celuy que serra de ceo attaint, rēd̄ les dam̄ a double a mesme le pl', et serr̄ en le greuous mercy le roy.

¶Champertie.1. cap.25.

¶Nul minister le roy, ne mainteyne per luy ne per auter, lez plees, pols, ou besoignes queux sont en la court le roy, des terres, tenementes, ou des auters choses, pur auer part de ceo, ou auter profit per couenant fait. Et que le fra soit punie a la volunte le roy. Vide Champertie.11. E.1.

Extortion.1. cap.26.

¶Et que nul visc. nauter minister l' roy, ne preigne reward pur fair̄ son office: mes

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soiēt paies de ceo qūils parnont del roy. Et qui la fra rendra le double al pl', & serr̄ punie a la volunte le roy.

¶ Extortion. 2. Cap 27.

¶ Et que nul clerke de Justice, deschetour ou denquerour, nall' riens ne preigne pur liuerer chapiters, forpris solement clerks des Justices errants en lour eyres, et ceo ij.s. et nient pluis de chescū Wapentake, hūdred, ou ville, qui respoign̄ per xii. ou per vi. solōque ceo que aūcientment fuit vse. Et qui autrement le fra, rendra le treble de ceo quel auera pris, et perdra le seruice son seignior p vn an.

Maintenance. 1. Cap. 28.

¶ Et que nul clerke le roy, ne des Justices reseeue desormes pselentment de esglise, dōt plee ou conteke soit en la court le Roy, sans especial conge le roy, & ceo defendō le roy sur peine de perdre lesglise & son seruice. Et que nul clerke del Justice, ne de viscont, ne maintenie parties en querelz ne besoignes queux sont en la court le roy, ne fraude ne face pur commen droiture delaier ne disturber. Et si vll' le fait, il serr̄ puny per la paine pcheinmēt auātdit, ou p pluis grieuous si le trespas le requiert.

Disceite. 1. Cap. 29.

¶ Purueu est enlement que si vll' serieant counter, ou auter face vll' maner de disceite, ou de collusion en la court le roy, ou consent de faire la, ē disceite de la court, pur engiñ la court ou la partie, & de ceo soit attaint, lors

puis | eit la prisonm̄t dun an & vn iour, & ne soit oye en la court le roy a coūt̄ pur nulluy. Et si ceo soit aut̄ q̄ coūt̄ p mesme le maner eit la prisō dū an et dū iour a tout le meins Et si le trespaz demande greinder peine, soit a la volunt le Roy.

¶ Extortion. 3. cap. 29.

¶ Et pur ceo que multz des gents se pleignent des serieants, criours de fee, et les marshals des Justices en eyre, et | dauters Justices | quelz parnent a torte deniers de ceux queux recoueront seisine del terre, ou queux gaignont lour quereles, et de fine leue et des iurrors, villes, prisoners, & des auters attachies en plees de la corone, auterment que faire ne duissent, en multes des maners, et de ceo quel ad plus graund̄ number de ceux que estre ne duist, per que le people est malement greue le Roy defend̄, que cestes choses ne soient desormes faitz. Et si vll. serieant de fee le face, office soit prise en le maine le Roy. Et si marshals des Justices le facent, soient punis greuement a la volūt le Roy. Et a toutz les pleintifs lune & lauter rend̄r le treble de ceo quilz auer̄ pris en cell̄ maner.

¶ Tolle. 1. cap. 30.

¶ De ceux queux parnont outragious tolnet̄, enconter commen vsage du royalme en la ville merchandie. Purueu est q̄ si vll. le face en la ville le roy mesme, que soit baile a fee farme, le roy prendra le fraunchise del marche en sa maine. Et si soit auter vill. et

ceo soit fait per le seignioure de mesm̃ la ville le roy le fra per mesme le maner. Et sil soyt fait per le bailife sans le commaundement le seignioure, il rendra al plaintife au taunt pur le outragious prise, come il auoit prise de luy, sil vst importe son toine: & il auera prison del xl. iours. Des citisens, & des burges a que le roye ou son pere ad graunt murage pur lour villes encloser, & que tiel murage parnent autrement que lour est graunte, et de ceo soient attaintes. Purueu est quils pardent cel graunt de toutz le temps q̃ serra a vener, et serront en le greuous mercy le Roy.

¶ Purueiors. 3. cap. 31.

¶ De ceux q̃ur parnent vitaill. ou nul riens al oeps le roy a creance, ou a garniso̅ du chastell ou aillours, et quant ils ont resceue le paiment al exchequer, ou en Garderobe, ou aillours, deteignont le paiment des creancers, a graũd damage de eux, & en esclaũder du Roy. Purueu est de ceux queux ont terres ou tenementes, que maintenaunt soit ceo leue de lour terres ou de lour chateux, et paies as creanserz, oue les damages queux ilz aueront ewe, & soiẽt reints pur le trespaz et sils neient terres ne tenementes, soient en le prison a la volunte le roy. De ceux q̃ pernont parte des dettes le roy, ou auters lowers pernent des creansours le roy, pur faire le paiment de mesmes cels dettes. Purueu est quils rendent le double, et soient punys greuement a la volunte le Roy. Et de ceux

queux parnont chiuals, ou charettes a faire le cariage le roy, plus que mester serroit, & pernont loyers pur releser les chiuals, ou les charettez. Purueu est q̄ si vil de la court la face, il serra greuement chastice p̄ les mareschalles, & si ceo soit fait hors de la court, p̄ vn del court ou per auk que de la court, & il ent soit attaint il rendra le treble, & serr̄ a le prison le roy p̄ xl. iours.

Countie & Iourne. 3. cap. 32.

Purueu est, que nul vic. ne suffr̄ barretours ne maintenours des parols en counties, ne seneschalles des graundes seignours, ne des auters (que ne soit attourney s̄o seigniour) a la suit faire, ne render les iudgemēts des countes, ne pronoūcer les iudgem̄ts ou assent de faire les Justicementes si ne soit especialment pr̄ie & requise de toutes les sutours & les attournes des sutours, queux serront a la iourn̄. Et si nul le face, le roy se prendra greuousem̄t a vic. & a luy.

Newes. 1. cap. 33.

Pur ceo qui plusours s̄ot souent troues in counte controuours des coūtes, dont discord̄, ou maner de discorde ad este souent entre le roy & son people, ou ascūs de les hautes homes de son roialme, defendu est pur le domage que ad este, & qui vncore ent purra auenir̄, q̄ desormes null ne soit cy harde de dir̄ ne de coūt̄ nulles faux nouell ou cōtrenour, dōt discord̄ ou maner de discord̄, ou dis claundr̄ puisse surdre entre le roy & s̄o peopl ou les hautes homes de s̄o roialme. Et qui

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le fra soit pris, & detenus en prisõ iesques a tant que il eit troue en courte celuy dont la parolle serra moue. |2.R.2.ca.5.|

Arrestes.1. Cap.34.

¶ Des hautes homes, & de lour bailiffes & des auters (forpris les ministers le roy, as q̃ux especiall' auctoritie est doñ de c. faire) qui a le pleint des ascũs, ou per lour auctoritie demesne, attachent autres oue lour bñs trespas passantes per lour poier, a respõder deuant eux des contractes, couenantes, ou de trñs faitz hors de lour poier, & lour iurisdiction, la ou ilz ne teignont riens de eux, ne deins la fraũchise ou lour poier est, en p̃iudic. du roy, & de sa corone, & a dam̃ du people Purueu est qui null' desormes ne le face. Et si asc. le face, il rẽdra a celuy, qui p cel encheson serr̃ attache, sõ dam̃ au double, & serr̃ en le grieue mercy le Roy.

Reasonable Ayde.1. Cap.35.

¶ Pur ceo que auant ceux heures ne fuit vnques reasonable aid̃ a faire leigne fitz chiuall' ne a leigne file marier, mise ẽ certeiñ, ne quant ceo deueroit estre prise, ne q̃l heure, p quoy les vns leuerent outragious aide, & pl⁹ tost q̃ ne sembleit mestre, dont la people se sentit greue: Purueu est qui desormes de fee de chiuall' entier solement soient dones xx.s & de xx.li. de terre tenus per locage xx.s. & de pluis, pluis, & de meĩs, meins, solõq̃ lafferãt Et qui nul ne puisse leuer tiel aide a fair̃ sõ fitz chiualler, tãque qui son fits soit del age de xv.ãs ne a sa file marier tãque qui el soit

del age de vij. ans. Et de ceo serra fait mention en le brief le roy fourm̄ sur ceo quāt hōe le voile demaunder. Et si aueign̄ que le pier, quant il auera tiel eide leue de ses tenantes morgage auant q̄l eit sa file marie, lez executours le pier soient tenus a la file, entant cōe le pier auera resceu pur cest aide. Et si les bn̄s le pier ne suffisent, son heir̄ soit de c̄ tenus a le file. | Glanuile fo. 71.

¶ Assise. 3. cap. 36.

¶ Purueu est & accord̄ ensem̄t, que si hom̄ soit attaint de disseisin, fait en temps le Roy q̄ ore est, ouesqz robbery, de ascun maner de chattel ou demouable, et soit troue vers luy per recognisans de assise de nouel disseisine, le iudgemēt soit tiel, que le pl' recouera sa seisin & les dam̄, auxibien de chatel' & de mouabl' auantditz, come del soil'. Et le disseisour soit reint, le quel que il soit present ou non, issint qz (sil soit presēt) primes soit agard̄ a la prison. Et per mesme le maner soit fait de disseisine fait a force et armes, tout ne face home robbery.

¶ Attaint. 1. cap. 37.

¶ Pur ceo que ascuns gents de la terre doutent meins faux serement faire, que faire ne duissent, per que mults des gentes sont disherites, et perdent lour droit. Purueu est que le roy, de son office, desormes donera attaintes sur les inquestes en pl' de terre, ou de franktenement, ou de chose que touche franktenement, quant il semblera quene besoign̄ soit.

¶ Limi-

¶Limitation.2. Cap.38.

¶Et pur ceo que le temps est mult passe puis que les briefes de south nosmes fuerēt auterfoits limittes. ¶Purueu est q̄ en count countant de discent en briefe de droit, nul ne soit q̄ ose de count de la seisin son auncest de pluis lōge seisin q̄ de temps le roy R. vncle le roy Henry, pier le roy q̄ ore est. Et que le briefe de nouel disseisin, & de purparty, q̄ est appell' nuper obijt, cient le time puis le primer passage le roy Henry, pier le roy q̄ ore est en Gascoigne, mes nemy auaūt. Et les briefes de mordaūc, de cosinage, de aiel, de entre, & briefe de neifte, cient le term̄ del coronement mesm̄ le roy Henry, & nemy auāt. Mes q̄ touts les briefes ore a per mesmes purchases, ou a purchaser ent̄ cy, & la feast Saint John en vn an, soiēt pledes du tēps q̄ auaūt soulent estr̄ pledes.

¶Voucher.2. Cap.39.

¶Pur ceo que mults des gents sont delaies ō lour droit, p̄ fauxem̄t voucher a garranty. ¶Purueu est q̄ en briefes de poss. tout adcprimes come en briefe de mordaūc. cosinage, del aiel, nuper obijt, de intrusiō, & autz briefes sēblablez, per les q̄x terres ou tenements sont demandes q̄x deuoient discendō, reuerter, remaindō, ou eschier per mordaunc. ou dauter, que q̄ le tenant vouche a garrant, & le demaundant luy counterpledō, & voile auerrer per assise, ou per pais, ou en auter maner, sicome le court le roy agarde, q̄ le tenant ou son aunc. q̄ heire il est, fait le

prymer qui entra apres la mort celuy de qui
seisin il demaunde, soit le auerrement del de-
maund̄ resceu, si le tenant le voil atteind̄, et
sinon, soit bote ouster a auter respōs, si neit
son garrāty en present, qui luy voile garrā-
ter de son gree, & maintenant entrer en res-
pons, saue al demaūdant ses exceptionz en-
counter luy, si voile voucher ouster, come il
auoit auant, encounter le prymer tenant. De
rechiefe en toutz maners des briefez dentre,
q̄ux sont mentiō des degrees, purueu|est|q̄
nul desormes bouche hors ō la ligne. Et en
auters briefes dentre, ou nul mention ē fait
de degrees, les q̄ux briefes ne sont sustenus,
forsq̄ la, ou les auantditz briefez de degrees
ne poiēt giser ne lieu tenir, & en bē de droit
Purueu est que si le tenant bouche a garrā-
tie, & le demaund̄ le voile coūterpleō, & soit
prist de auerrer per pais, que celuy qui est
bouche a garrant̄, | ne nul | de ses aunc̄sters
ne vnques auoient seisin de la terre, ou del
ten̄ demaund̄, ne fee, ne seruice per la maine
le tenant, ou | ascun | de ses aunc̄sters, puis
le temps celuy, de q̄ seisin le demaūd̄ counte
iesques al temps q̄ le briefe fuit purchase, &
plee moue, per q̄ il poit le tenant ou ses aun-
c̄sters aū fesse. Adonques soit lauerrement
del demaūd̄ resceu, si le tenant le voit atten-
dre, & sinon, soit le tenant bote ouster a aut̄
respons, si neit son garrante en present, qui
luy voile garranter de son gree, et mainte-
nant enter en respons, salue al demaund̄ ses
except̄ encounter luy, sicome il auoit auaū

encounter

encoũter le primer tenant. Et lauantdit exception eit lieu en bre de mortdaũc, & en ses auters briefes deuaũt nosmes, auxibien cõe en briefes queux touchent droit. Et si le tenant per cas eit charter de garranty de aut home |de ceo chose,| q̃ soit oblige en nul des auaũtditz cases a le garranty de sõ eign̄ degree, saue luy soit son recouer̄ per briefe de garr̄ de charter de le chauncell' le roy, quant il le voudra purchaser, mes q̃ le plee ne soit pur ceo delay.

¶ Battaile and graund Assise. 1. Cap. 40.

¶ De serementz dez champions, est issint purueu: Pur ceo q̃ rarement auient que le champion le demaundant ne soit periure en ceo quil iure que il, ou son pier vist la seisin son seigniour, ou de son auncestour, & que sõ pere luy commaũd a faire la darreign̄, q̃ desormes ne soit le champion le demaũdãt cõstreint a ceo iurer, mes soit le serem̄t gard̄ en touts sez auters points.

¶ Essoine. 3. Cap. 41.

¶ Pur ceo que en briefe dassise, dattaints, & de iuris vtrum, les iurrorz sont souẽt trauels per essoines des tenãts: Purueu est q̃ del heure q̃ le tenant vn foites apparust en court iãmes ne puisse |le tenãt| se essoin, mes fair̄ son atturney a suer pur luy, sil voill'. Et si nõ soit lassise, ou le iure p̄se per sõ default |W. 2. ca. 28.

¶ Essoine. 4. Cap. 42.

¶ Pur ceo q̃ les demaũd sont souent delaies de tout droit, pur ceo que ou sont plusours

sours parceners tenantes, dont nul puit respoign̄ sauns aut̄, ou q̄l ad plusours tenāts iointment feoffes, ou nul ne sciet sō seueral, & ceux tenātz souēt forchient ꝑ essoin̄, issint q̄ chescun eit vn essoine. Puruieu est desormes, que ceux tenaunts nient essoin̄ forsque a vn iour, nient pluis que vn sole tenāt naueroit, issint q̄ iammes ne puissent forcher, forsqz tantsolement auer vn essoine.

¶Essoine.5. Cap.43.

¶Pur ceo que multes des gentes se font fauxem̄t essoine de oustre mere, la ou ilz fuerent en Engleterre le iour de le summons: Puruieu est desormes, que cel essoin̄ ne soit pas de tout allow, si le demaundant le challenge, & soit prist dauerrer quel fuit en Engleterre le iour q̄ le sūmons fuist fait, & iij. semaignes apres, mes soit aiourn̄ en cest forme, que si le demaūd̄ sue a tiel iour auerm̄t ꝑ pais, ou si com̄ la court le roy agardra & soit attaint q̄ le tenant fuist deins le quat̄ meres | Dengleterre | le iour q̄ il fuist som̄, et trois semaignez aprez, issint que il puit estre reasonablem̄t garny de | la | sūmōz, soit lessoin̄ torne en vn defaut, & ceo fait a entend̄ tant solem̄t deuaūt les Justices le roy.

¶Estreites.1. Cap.44.

¶De delaies en touts manerz dez briefez, & des attachementz est puruieu, q̄ si le tenāt ou le defendant, apres le prim̄ attachement tesmoign̄, face defaut maintenāt soit le grād̄ dist̄r agard̄. Et si vis̄r ne respoign̄ sufficiētment au iour, soit greuousemēt amercy. Et

sil maund que il ad fait lexecutiō en due maner, & lez issues bailes as mainpnours, adōques soit maunde au vic. que il al auter iour face venir les issues deuāt iustices. Et si lattachee veign̄ a cel iour a sauer̄ ses defaut̄, eit il ses issues. Et sil ne veign̄, eit le roy les issues. Et les Justices le roy les facent liuerer a la garderobe, et Justices del banke a Westm̄ les facent liuerer al eschequer, & iustices en eire, au vic. de cell' county, ou ils pledent, auxibien de cel countie come des foreine counties, & de ceo soient charges en sōmons per rolles de Justices.

¶ Iustices of both benches. 1. cap. 45.

¶ Purueu est ensemēt, & per le roy commaunde, que les Justices de banke le roy et | Justices de bank a | westminster desormes ꝑ pledent les plees a terminer a vn iour, auaunt que rien soit arraine, ou commence des pleez del iour ensuant forspris q̄ lour essoign̄ soient entres, iudges, et rendus, et per encheson de ceo nul home se affie, que il ne veigne au iour q̄ don̄ luy est.

¶ Age. 1. cap. 46.

¶ Purueu est ensement, que si nul desormes purchase brief de nouel disseisin, & celuy sur que le brief vient, come principal disseisor mourge auaunt que lassise soit passe, que le pl' eit son briefe Dentre foundus sur disseisin sur le heire ou sur | les heires | les disseisors, de q̄l age que ils soient. En m̄ le man̄ eit le heir̄, ou les heires le disseisie lour br̄es Dentre sur les disseisours | lour auncestr̄, ou

sour heires, de quel age q̄lz soiēt. Et si parauenture le disseisie mourge auant quel eyt son purchase fait, issint que pur les nonages des heires dun part ne dauter ne soit le brief abatus, ne le plee delaye, mes en quaunt qui lhom̄ poit sans ley offend̄, soit haste pur la fresh suit ap̄s le disseisin. Et ē m̄ le man̄ soit t̄ point gard̄ en dr̄t des p̄lates, gētz de religion, & auters, as q̄ux terres & ten̄tez en nul maner puissent deuener ap̄z aut̄ mort, le q̄l que ilz soient disseisies, ou disseisourz. Et si les parties en pledant discendont en enquest & lenquest passa encounter le heire deinz age & nosmement encounter le heire le disseisie, q̄ il ē ceo cas eit latteint de la grace le roy sās rien doner.

Procheine amy. I. cap. 47.

¶ Si gardein ou chiefe seigniour enfeffe vl hom̄ de la terre qui est del heritage del ēfāt (qui est deins age & en sa gard̄) a le disheritance del heire: Purueu est, que le heir eyt maintenant son recouere per briefe de nouel disseisine vers son gardein̄, & vers le tenāt, Et soit la seisine bail'l per Justices, si el soit recouer̄ al prochein amye lēfant, a qui le heritage ne purra my discend̄, pur approuer al oeps lenfant, & a responder dez issues al heir̄ quant il viendra a son plein age. Et le gardē parde a tout sa vie, la gard̄ de m̄ le chose recouer̄, & tout la rem̄ del heritage, q̄l tient ē nosme del heire. Et si aut̄ gardein q̄ chyefe seigniour le face, parde le garde de tout cel chose |a cel foitz| & soiten griefe paine ēuers

le roy. Et si lenfãt soit esloigne, ou disturbe par le gardeine, ou per le scoffee, ou per auter per q̃ il ne puisse sa assise suer, sue pur luy vn de ses ꝓchein amies qui voudra, & soit a ceo resceu | W.2.ca.15.

¶ Dower 2. cap.48.

En briefe de dower dõt dame riens nad ne soit le briefe abatus per exception del tenãt pur ceo quel auera resceu son dower de auter hõe auãt lõ briefe purchase, si l ne puit mõstre, qui el eit resceu part de sa dower de luy mesme, & en mesme la ville auant son briefe purchase.

Prærogatiua regis. cap.49.

¶ Et pur ceo que le roy ad fait cel chose al honour de dieu, & saint esglise, & pur le cõmõ ꝓfite de people, & pur le alleageance de ceux q̃ sont greues, il ne doit my qui auterfoitz puissẽt turner a ꝓiudice de luy, ne de sa corone, mes que les dũts, qui a luy appteign̄ luy soient saues en toutz pointes.

Assise.4. cap.50.

¶ Et pur ceo que graund charitie serr̄ de faire droit a touts en tout temps, ou mester serroit: ꝓuueu est per assentment des ꝓlates, que assises de nouel disseisin, mordaũcester, & de darrein ꝓsentmẽt fuissent ꝓisez en le Aduẽt en Septuagesime, & ẽ quaresm̄ auribien com̄ | le home | prent lenquestes & ceo ꝓia le Roy as Euesques.

Explicit statut de Westm̄ ꝓimer.

¶ Stat' de Bigamis, editum Añ. iiij. E. primj.

IN presentia venerabiliū pr̄m quorundā episcoporum Angl', & aliorum de cōsilio regis, rectitate fuerunt cōstitutiones sub scripte, & postmodum coram dño rege & cōsilio suo audite & publicate, quia omnes de consilio tam iustic. quā alij concordauerunt, qđ in scripturā redigerentur ad perpetuam memoriā, & quod firmiter obseruentur.

¶ Ayde de Roy. 1. cap. 1.

¶ De placitis vbi tenens excipit, quod sine rege respondere nō pōt, concordatum est per iustic. & alios sapientes de consilio regni dñi regis, qui consuetudines et vsum iudiciorum hactenus habuerunt, q̄ vbi feoffamētū fact fuerit per regem, & charta sup̄ hoc incōfecta tm̄ se|habeat|qđ si alia p̄sona p̄ cōsimile feoffamentum & consimilē chartam teneret ad warran. iam, iustic. vlteri⁹ procedere nō poterunt, nec hucusq; processerūt, nisi sup̄ hoc p̄ceptum a rege habuerunt, nec videre|possunt|quod procedere possint.

¶ Ayde de Roy. 2. cap. 2.

¶ In certis autem casib⁹, vtpote vbi Rex confirmauerit, vel ratificauerit factum alicuius in rem alienam, vel rem aliquam alicui concesserit, quantū in ipso est, vel vbi charta p̄fertur, quod rex tenē aliquod reddiderit, nec

nec clausula aliqua in ea contineatur, p quã warrantizare debeat, & in consimilib⁹ casib⁹ non erit supersedend̃ occasione confirmationis, ratificationis, concessionis, seu redditionis, aut aliorum consimilium, quin postquã hoc regi fuerit ostens. sine dilatione procedatur.

¶Ayde de Roye .3. Cap.3.

¶De dotibus mulierum vbi aliqui custodes hereditatũ maritorum suorũ custodias habent ex dono vel concessione regis, siue custodes rem petitam teneant, siue heredes dictorum tenementorum vocentur ad warrant, si excipiant, quod sine rege respondere non possint, non ideo supersedeatur, quin loquela predicta prout iustum fuerit, procedatur.

¶Purpresture. 1. cap.4.

¶De purprestur̃is, seu occupationib⁹ quibuscunq; factis super regem siue in libertatib⁹, siue alibi, concordat̃ est q tempore regis H. diffinit̃ erat & concordat̃, quod vbi occupatores superstites fuerint, rex de plano resumat sibi rem taliter occupatam de manibus occupantium, quod etiam de cetero in regno obseruetur. Et si aliquis de huiusmodi resumptionibus cõqueratur, prout iustum fuerit audiatur.

¶Clergie. 2. cap.5.

¶De biganus quos dominus papa in consilio suo Lugdunensi omni priuilegio clericali priuauit, per constitutionem inde editã & vnde quidã prelati illos qui effecti fuerãt

Biga=

Bigami ante predictam constitutionē, quā-
do de felonia rectati fuerunt, tāquā clericos
exigerunt sibi liberandos, concordatum est &
declaratum coram rege & consilio suo, q̄ cōsti-
tutio illa intelligenda sit q̄d sive effecti fue-
rint bigami |ante | predictam constitutionē,
sive post, de cetero nō liberēt prelatis, unmo
fiat eis iusticia sicut de laicis.

Voucher. 6. cap. 6.

¶ In chartis autem ubi continentur, dedi
& concessi tale tenementū sine homagio, vel
sine clausula que continet warrantiam, & te-
nendō de donatoribus & heredō suis p̄ certum
seruicium, concordatū est p̄ eosdem iustic. q̄d
donatores, & heredes sui teneantur ad war-
rantiā. Ubi aut̄ continentur dedi & concessi
&c. tenendō de capitalibus dominis feodi, aut
de aliis quam de feoffatoribus vel heredib⁹
suis nullo seruicio sibi retento, sine homagio,
vel sine dicta clausula |warrātie| heredō sui
non teneantur ad warrantiā. Ipse tamē fe-
offator in vita sua ratione doni p̄hendit tenet
warrantizare. Predicte autē constitutiones
edite fuerunt apud Westm̄ in parliamē-
to post festum sancti Michaelis.
Anno regni regis E. filii re-
gis H. iij. & extunc lo-
cum habeat.

Explicit statutum de Bigamis.

Sta-

LAn du grace M. CC. lxvij. & del raign̄ l'roy E. fitz l'roy Hēry. vi. a Glocester le mois daugust, purueiāt m̄ le roye, pur amendem̄t de son roialme, & pur pluis pleiner exhibition de droit sicom̄ le profit doffice demaunde, appelles les pluis discretes de son roialme, auxibien des greinds come des meinders, establie est, et concordantment ordeine, q̄ come mesme le roialm̄ en plusours diuers cases, auxibien des fraūchises come dauters choses, en les q̄ls ley auāt faillit, & a eschuer les tresgreues damages & les nient numerables disherisons, les quels icel maner defaut de ley fist a la gent du roialme, eit mestier de diuers suppletions de ley, et de nouels purueiances: les estatutes, ordeinments & purueiances suis escripts de tout la gent de la roialme desormes soiēt firmement gardes, come prelates, counties, barons & aut̄s del royalme claiment auer diūs fraunchises, & les quels examin̄ et iudger̄ le roy a mesmes les prelates, counties, barons & auters, auoit done iour. Purueu est & concordantment graunte, que les auauntdites prelates, counties, barones & auterz, cel maner de fraunchise vsent, issint que rien ne lour accresee per vsurpation, ou occupation, ne rien sur le roy occupient, iesqz al ꝓchein venue le roye per le countie, ou a la procheyne

venue des Justices errants, as cōmō plees en mesme le countie, ou iesques le roy commaunde auter chose, saue le droit le roy com̄ il en voudra parler, solonqz ceo que il eit cōtenue en le br̄ le roy. Et de ceo soient maūdes briefes as viscountes, bayllifes & aut̄s, pur chescun demandant. Et soit la form̄ del briefe change, solonqz la diuersitie des franchises, les quels chescun claime dauer. Et l's viscountes per toutes lour baillies ferront communement crier, cestassauoir en cytyes, burghes, et villes merchandes, & aillours q̄ touts ceux q̄ ascuns franchises claiment aū per les charters les predecessours la Roye, royes Dēgleterre, ou en auter maner, soyēt deuant le roy, ou deuant Justices en eyer a certaine iour & lieu a monstrer quel manner de franchises ils claiment dauer, & per quel garrāt. Et les visconts mesmes donqz serront illonqz personalment, ou lour bailliffes & ministers a certifier le roye sur les auantditz franchisez, & auters choses que celles franchises touchent. Et cest crie destr̄ deuāt le roy conteigne garnisement de iij. semaignes. Et en mesme le maner ferront les viscountes crier en oyer de Justices. Et en m̄ le manner serront ils personalment, ou lour baylliffes & lour ministers, a certifyer les Justices de tiel manner de fraunchisez, et des auters choses que celles frāchises touchent. Et cest crie conteigne garnisement de quarāte iours, sic come le common summōs cōtient: issint que si la party que claime daū

fran=

franchiſes, ſoit deuāt le roy ne ſoit pas mis en defaut deuant les Juſtices en eyer, pur ceo que le roy de ſa grace eſpecial ad graūt que il gardera la party de damage, quaunt a cel aiournement. Et ſi cel party ſoit empleď ſur tiels maners de fraunchiſes deuant vn paier de Juſtices auātdits meſmes les iuſtices deuant lez q̄ux la partie eſt en plc, garderent le pty de damage deuant auters iuſtices, & deuant le roy iuy meſme, meſque il ſache p̄ les iuſtices, q̄ le pty fuit en plce deuant eux ſicome il eſt auantdit. Et ſi ceux q̄ tiels franchiſes claiment auer, ne veignent p̄ al iour auantdit: donqz ſoient les fraūchiſes en noſme de diſtreſſe pziſes en la main le roy per le viſcoūt del lieu: iſſint quils tiel maner de franchiſes ne vſent, ieſqz ilz veigner a receiuer dzoit. Et quant ilz veignēt per cel diſtreſſe, lour fraūchiſes eux ſoiēt repleuies ſilz les demaund, les quels repleuies reſpoignēt maintenāt en la fozme auantdit. Et paraduenture les parties exceptēt, q̄ls ne debuiēt mentde & reſpond̄ ſans br̄e oziginal, dōqz il puiſſe eſtre ſuer q̄ eux de lour p̄zoper fayt, eyent vſurpe ou occupie aſcūs frāchiſes ſur le roy, ou ſur ſes p̄zedeceſſours, dit lour ſoit, q̄ maintenāt reſpoignent ſans bzeue, & puis reſceiuent iudgement, ſicome le court le roy agardera. Et ſils dient ouſter, que lour aunceſter ou lour aūceſters de meſmes les frāchiſes mozront ſeiſes, ſoyent oyes, & maintenant ſoyt le veritie enquiſe, & ſolonqz ceo aillent les auant en le beſoigne. Et ſil ſoyt

troue q̃ lour aũcester ent morust seisie: dõqz eyt le roy brief original de sa Chaũcery en fourme fait de ceo: Le roy maund̃ salute au viscount, summones per bone summoniours vn tiel, que il soit deuant nous a tiel lieu en nostre prochein venue en cel countie, ou deuant nous Justices a primer assises, come ils en cels parties viendront, a monstrer par quel graunt il claime dauer quitance de torñ pur soy ou pur sez homez ꝑ tout nostr̃ roialme ꝑ continuacion apres la mort tiel iadis son predecessour. Et aiets les summonours & ceo br̃e. Et si les parties veignõt al iour respoignent, & soit replie & iudge. Et sils ne veignent ne soy esloinent deuant le roy, & si le roy demurra ouster en cel countie, soit cõmaund̃ au viscont q̃l le face vener al quart iour. A q̃l iour sils ne veignent, & l' roy demurr̃ ouster en cel countie, soit fait sicome en eyre de Justices. Et si le roy depart del cõtie, soient les parties aiornes a briefe iour, & eient reasonables delayes, iuxte les discrecions des iustices, sicõe en acciõs ꝑsonall. Et les Justices en eire facent de ceo, ẽ lour oyers solonqz lordeinment auauntdit, & solõqz ceo q̃ tiel mañ de plees debuient estr̃ deduct. En oier de plaints faits & affaires dez bailies le roy & dauterz baillifes, soit fait solõqz lordeinment auant fait de ceo, & solonqz les enquestes de ceo auant prisez, & de ceo serrõt les iustices en eyre solonqz ceo q̃ le roy lour ad ẽioint, & solonqz les articles q̃ le roy lour ad liuere. | Vide tout ceo en latin plz playne

30. E

30.E.1.le statute de Quo warr, tit Fran=
chises.5.|

¶ Dam.1. cap.1.

¶ Come auaunt ces heures damages ne fuerunt agardes en Assise de nouel disseissu forsqz tantsolem̄t verz les disseisours. Purueu est, que si les disseisours alienent les tenements et nient dont les damages puissent estre leuies, qui ceux a que maines ceux tenements deuiendront, soient charges des damages, issint que chescun respoign̄ de son temps. Purueu est ensement, que le disseisie recouer̄ damages en briefe Dentre foundue sur disseisin, vers celui qui est troue tenant apres le disseisor. Purueu est ensement qui la ou auant ces heures damages ne fuerunt agardes en plee de mortdauncester, forsqz en case ou tenements fuerunt recoueres deuers chiefes seigniors| ceo fuist ꝑ statut Marlebr̄ cap.16.|qui desormes damages soiēt agardes en toutes cases, ou home recouer per assise de mortdauncester, sicome est auantdit en assise de nouel disseisin. Et en mesme le maner rec. home damage en briefe de Cosinage, Ayel, et Besayel. Et la ou auant cez heures damages ne fuerōt taxes, forsqz a le value des issues de la terre: Purueu est que le demaund̄ puit rec. vers le tenant les costages de son briefe purchase, ensemblement ouesqz les damages auantdits. Et tout ceo soit tenus en toutes cases, ou home recouer damages. Et soit desormes chescun tenus a render damages, la ou home recouer vers

luy de la intrusion demesne, ou de son fayt demesne.

¶ Age. 2. Cap. 2.

¶ Si enfant deyns age soit tenus hors de son heritage apres la mort son pier, cosin, aiel ou besaiel, per que il couient quel purchac. brefe, & son aduersarie beigne en court, & en respoignant alledge feoffement, ou auk chose dit, per que Justices agardent lenquest, la ou lenquest fuit delaye iesqz al age lenfant, si passa oze lenquest auxi come il fuit de plein age.

Warrantie. 1. Cap. 3.

¶ Establie est ensemt, que si home alyen tenement, que il tient per le ley Dengleterre son fitz ne soit pas forbarre per le fayt son pier (de que nul heritage luy descend) a demaūder & recouerer per brefe de Mort daūcester de la seisin la mier, tout face le charter son pier mencion que luy et ses heires sont tenus a la garē. Et si heritage luy descend de part son pier, donqs soit il forclose de le value del heritage, q̄ luy est descendus. Et si en tiel case apres la mort son pier, heritage luy soit descendus per meisme le pier, donqs auera le tenant vers luy recouery de la seisin sa mier, per brefe de iudgement que issera hors de rolles des iustices, deuant queux le plee fuit plede, a resom̄ son garrantie, sicome auant ad este fait en auters cases, ou le garrantye vient en court & dit, que riens ne luy est descend de luy, per q̄ fait il est vouch. Et en meisme le manner eyt lissue le fitz recouer̄

per

per briefe de Cosinage, Ayel, & besaiel. Ensement & en mesm̄ le maner ne soit lheire la femme apres la mort le pier & la mier, barr̄ daction a demaund̄ le heritage sa mier per briefe Dentre, que son pier en temps sa mier aliena, doūt nul fin̄ nest leue en court le roy.

¶ Cessauit. 1. cap. 4.

¶ Ensement si home lesse sa terre a ferm̄, ou a trouer estouers en viuer, ou en vesture q̄ amount a la quart part de la veray value de la t̄re, & celuy q̄ la terr̄ tient issint charge la lesse est giser freshe, issint q̄ home ne puit trouer distresse ꝑ deux ans, ou per trois, a faire le ferme render, ou a faire ceo q̄ est cōtenue en lescript ou leas: establie est q̄ aprez les deux ans passes eit le lessour action a demaūder la terr̄ en deueign̄ per briefe q̄ il auera en la chaūcery. Et si celuy, vers que la terre est demaūd̄, veign̄ auaūt iudgemēt, et rend̄ les arrerages & lez dam̄, & troua suerty tiel cōe la court verra q̄ soit suffisāt a rend̄ en ap̄z | solonqz | ceo q̄ est cōtenue en lescript du leas, si reteign̄ la t̄re. Et sil demurr̄ tanque ele soit recouer per iudgemēt, soit il forclose a remenant. | W. 2. capitulo 21. et capitulo 41.

¶ Waste. 4. Cap. 5.

¶ Ensemēt est puruieu, q̄ home eit desormes br̄ de wast en le chācery v̄z hōe q̄ tient per le ley Dengleterre, ou en auter maner a terme de vie, ou des ans, ou feme q̄ tient en dower. Et celuy q̄ serr̄ attaint de wast, ꝑde

le chose que il auer̄ waste: et ouster ceo face gree del treble de ceo q̄ le wast serr̄ taxe. Et en wast fait en gard̄, soit fait solonqz ceo que contenu est en la grand̄ charter cap. quarto. Et per la ou il est contenu en la grand̄ chr̄, que celuy q̄ auer̄ fait wast en gard̄ pard̄ le gard̄, accord̄ est, quel rendra al heire lez dam̄ del waste si illint soit q̄ la gard̄ pdue ne suf-fist mie a le value des dam̄, auaunt lage del heire de m̄ le gard̄. | W. 1. ca. 21. articuli sup cart̄. cap. 18.

¶ Mortdaunceſter. 2. Cap. 6.

¶ Purueu est ensement q̄ si home murge, & eit plusours heires, dont lū est fits ou fil̄ frere ou soer, neueu ou niece, & les auts sont en plus long degree, touts les heirez desor-mes eient recouere per brieue de mordaun-cestour.

¶ Entre. 2. Cap. 7.

¶ Ensement si feme vend̄, ou done en fee, ou a terme de vie, ten̄t q̄ ele tient en dower, estably est q̄ le heir̄, ou auk̄, a qui la terr̄ de-ucroit reuerr̄ aps le decesse la fem̄, eit main-tenant son recouē per brieue denk̄, fait de ceo en la chauncery.

¶ Treſpas. 1. Cap. 8.

¶ Purueu est ensement q̄ les viscōtz pled̄ en counties lez plees de trespas, auxi cōe ilz soilent estre pledes. Et q̄ nul neit desormes brieues de trespas deuāt Justices, sil ne af-firme per soy, q̄ les biens emportes vailent xl. s. al meins. Et sil se pleint de batery, af-firme per soy q̄ sa pleint est veritable. Des

plaies

plaies, et des maihemes, eit home brieſe ſi= come home ſoleit auer. Et graunt eſt, q̄ les defendō puiſſēt fait̄ attorneis en tiels plees, ou appell' ne giſt mie, iſſint que ſils ſoiēt at= taints | du treſpas | en lour abſence, ſoit mād al biſe, q̄ ils ſoient pꝛiſes, et eient adōq̄s la peiſt, q̄ ils aueront, ſ̄ils biſēt eſtre pꝛeſentez q̄n̄t le iudgemt fuit rendus. Et ſi les plein= tifes deſoꝛmes en tiel trñs ſe facent eſſoine aꝑs la pꝛim̄ apparance, ſoit iour done ieſq̄s a la venue des iuſtices errants, & lez defendō en dementiers ſoient en peas en tielx pleez, & en auters plees, ou attachemēts & diſtr̄ gi= ſent. Si le defendō ſe face eſſoiñ del ſeruice le roy, et ne pꝛt ſon garrāt au iour q̄ doñ luy eſt per ſon eſſoiñ, eſt ble eſt que il rendꝛa al pl'les damages de la tourne de xx.s. ou de pluis, ſolonq̄ le diſcre dez iuſtices, & iade= mains ſoit en le grieſe mercy le roy.

¶ Pardon. I. Chap 9.

¶ Puruieu eſt enſement, que nul brieſe ne iſſ. deſoꝛmes de le chaunce pur moꝛt d hōe denquerer ſi home occiſt aut̄, per miſaduen= ture, ou ſoy defēd, ou en aut̄ mañ pur felon̄, mes celuy ſoit en pꝛiſon ieſques al venue dez iuſtices errāts, ou aſſign̄ a gaol' deliuer & ſe miſt en pais deuāt eux d bñ & male. Et ſi ſoit troue p pais q̄ il le fiſt ſoy defendant ou p miſaduent, donq̄s fra les iuſtices aſſa= uer au roy, & l' roy luy en fra ſa grace ſi luy pleiſt | W. I. ca. 11. | Puruieu eſt enſement q̄ nul appell' ſoit abatue ſi legierm̄t cōe auañt ad eſte, mes ſi lappellour counte le fait lañ

le iour

le iour, le heure, le tẽps le roy, & la bille ou le fait fuist fait, & de quel arme il fuist occise, se estoit iappell', & iames ne soit iappell' abat⁹ per defaut de fresh suit puis q̃ hõe sue dedeiz lan & le iour apres le fait.

¶ Essoine. 7. cap. 10.

¶ Come il soit contenue en lestatut le roy q̃ ore est | W. 1. cap. 42. | que deux parceners ou deux queux teigne en comen, ne puissent forcher per essoine, del heure quils ount vn foits apparus en count. Purueu est q̃ mesme ceo soit tenus et gard̃, per la ou home & la feme sont enpledes en la court le roy.

¶ Disceipt. 1. cap. 11.

¶ Purueu est ensement, q̃ si home bailla en la citie de Londrez son tenement a terme des ans, & celuy a que le franktenement est, se face empled̃ per collusion, & face def. aps def. ou veigne en court, & la voilt rend̃ pur faire le termour perdre sõ term̃, & le demãd̃ eit querell, issint q̃ le termour puisse aũ recouere p̃ brefe de couenant, le maior et les baillifes puissent enquirer per bone visñ en la presence del termour, & del demaundant, le quel le demaũdant mouest son plee p̃ bon droit quel auoit, ou per collusiõ & per fraud pur faire le termour pard̃ son terme. Et si trone soit per inquest, q̃ le demandant mouest son ple per bone droit quel auoit, si soit le iudgement parforme maintenant. Et si trone soit per inq̃st, q̃ il luy empleda p̃ fraud pur toller le termour son terme, si demurge le termour en sõ time, & lexecuc̃ del iudgemt

pur

pur le demaundant soit suspendus, iesques apres le terme passe. Et en mesme le maner soit fait de equitie en tiel case deuaũt Justices, si le termour le challenge deuãt iudgement rendus.

¶ Voucher. 5. Cap. 12.

¶ Puruieu est ensement que si home soyt enplede de tenement en m̃ la citie, & vouche forein̄ a garrantie, q̃l veign̄ en la chauncery & eit briefe de som̄ son garrant̄ a cert̄ iour deuaũt Justices du banke, & vn aut̄ br̄e au maior & as baillifes, que ils surcessent en le parol que est deuaũt eux per briefe, iesques a taũt que le parol de le garrantie serra termine deuaũt Justices du banke. Et q̃nt le parol de la garrantie serra termine deuaũt Justices de bank, donq̃z serra dit au garr̄ q̃ il voice en la city de Lond̄ a respoign̄ d̄ chief ple. Et le dd̄ant p̄ sa suit eit br̄ de Justices de banke au maior & as baillifs, q̃ls voilent auant en le plee. Et si le dd̄ant recou̅ verz le tenant, veign̄ le ten̄t as iustices de banke, et eit br̄e au maior & as baillifz, q̃ si le ten̄t eit la t̄re p̄d⁹, q̃ ilz facent extend̄ la t̄re, et ret̄ lextent en bank a cert̄ iour, & ap̄s soit mand̄ au visc̄ du pais ou le garrant̄ fuist som̄, q̃l luy face auer de la terr̄ le garrãt̄ a le value Vide articul' Glocester correct. Anno nono Edwardi. 2.

¶ Estrepement. 1. Cap. 13.

¶ Puruieu est ensement, que del heure q̃ plee serra meu en la city de Lõdres per br̄, que le tenant neit power de faire waste, ne

estrepement,

estrepement du tenem̄t q̄ est en dd̄, pend̄t le plee. Et sil le face, le mair̄ & les bailifez facent gard̄ a le suit de le dd̄ant. Et m̄ lord̄, et statut soit gard̄ en aut̄s cities, boroughs, & aillours per tout le royalme.

¶Damages. 2. Chap. 14.

¶Le roy graūte de sa grace as citizenz de Loūdres, q̄ la ou auaūt cez heurez ceux q̄ux fuerunt disseisies de lour franktenem̄t en m̄ la citie, ne poient recoū lour dāmage auāt le venue des iustices a la towre, q̄ desormes iceux disseisies eiēt lour dam̄ p̄ reconisās de lassise, per le q̄l ils recoūent lour ten̄tz, & les disseisours soiēt am̄cies deuant deux barōs del eschequer, q̄ux vn foitz p̄ an viendrōt en la citie a c̄ fair̄. Et ceo soit maūd̄ au treasorer, & as barons del eschequer, q̄lz le facent fair̄ chesc̄ an p̄ ij. de eux a lour leuer ap̄s la chaūdelure. Et les amerciam̄tz p̄ les sommons del eschequer, soient leues al oeps le roy, & al eschequer deliueres.

¶Wynes. 1. cap. 15.

¶Puruieu est ensem̄t q̄ le maire & lez bailifes auaūt le venue de ceux baronz enquergent des vines vendus encount̄ lassise, et le p̄sent ēt deuāt eux a lour venue, & dōq̄z soient amercies, la ou ils soient attend̄ iesq̄s a le venu des iustices errantz. Dones a Glocester le quart iour de October, lan du reign̄ le roy Edward fitz le roy H. 6.

¶Explicit statut̄ de Glocester.

Explanationes

DOſtmodum p dominū regem, et iuſticiarios ſuos facte ſunt q̄dam explanationes quoꝝūd articuloꝝ ſuperius poſitoꝝum.

¶ Damages. 3. cap. 1.

¶ Videlicet ad primum articulum, vt illi q̄ hñt ingreſſum per diſſeiſinam incurrent damna a tempore ſtatuti publicati. Eodem modo de breuibus de ingreſſu ſuper diſſeiſinam. De damnis in omnibus breuib⁹ mortis āteceſſoris, cōſanguinitatis, aui, vel proaui, de intruſione, vel de facto proprio, per quodcūq; bē, currant damna poſt impetrationem breuis, contra eos qui tenuerunt per ſtatutum, licet anteceſſores ſui prius inde obierunt ſeiſiti.

¶ Age. 3. cap. 2.

¶ De inquiſitione faciēd, q̄ tangit illos q̄ ſunt infra etatem, currat ſtatut̄ ſine tēporis limitatione.

3 ¶ De terris alienatis per illos qui tenēt p legē Anglie, currat ſtatutū de hm̄odi terris alienatis poſt ſtatutum illud publicatum. Eodem modo currat ſtatutum de terris bꝛoꝛis alienatis per virum vbi finis in cur̄ nō eſt inde leuat̄.

¶ Ceſſauit. 1. cap. 4.

¶ De terris dimiſſis ad feodi firmā, reddendo inde per annum quartam ptem veri valoꝛis

valoris earum, currat statutum, tam de terris dimissis ante statut editū, quam post dūmodo tenēs detinuerit vltra duos annos post statutum edit, id quod soluere debuit dimissori per annum, iuxta script conuentionis illius.

¶ Waste. cap. 5.

¶ De pena vasti, de omnibus (preterquā de dotibus & custod) intelligat de vastis factis post statut edit. Et de pena tripli in casibus vasti de dotibus et custodijs, intelligat de vastis factis post statut edit.

¶ Entre. cap. 6.

¶ De his qui alienāt dotem suam intelligat post statut editum.

¶ Dat apud Gloc. die dominica pxor. post festum diui Petri ad vincul, anno R. R. E. 1. sexto.

¶ Statutum de religiosis editum Anno. vij. E. primi.

¶ Mortmaine. 3. Cap. 1.

QAm dudum prouisum fuerit, q viri religiosi non ingrederentur feoda aliquorum, sine licentia et voluntate capit dñorum feodo de quibus feoda illa immediate tenent, & viri religiosi postmod nihilominus tam feoda sua propria, quam aliorum

aliorum hactenus ingressi sunt, ea sibi appropriando, et emendo, & aliqñ ex dono aliorum recipiendo, per quod seruitia que ex huiusmodi feodis debent, et q̄ ad defensionem regni ab initio prouisa fuerint, indebite subtrahuntur, & capitales dñi escaetas suas inde amittunt: Nos sup hoc p utilitate regni nostri congruū volentes puidere remediū: de consilio prelatorū comitū baronū & aliorum fidelium regni nostri de consilio nostro existētium, prouidimus, statuimus, et ordinauimus, quod nullus religiosus, aut alius quicunq; terras aut tenta aliqua emere vel vēdere, vel sub colore donationis, aut termini, aut ratione alterius tituli cuiuscunq; terras aut tenementa ab aliquo recipere, aut alio quouismodō arte vel ingenio sibi appropriare presumat, sub forisfactura eorundem p quod ad manum mortuā terre vel tenta huiusmodi deueniant quocunq; modo. Prouidim⁹ etiam q̄ si quis religiosus aut alius cōtra p̄sēs statut̄ aliquo modō arte vel ingenio venit̄ p̄sūpserit, liceat nobis et alijs immediate capitalib⁹ dōis feodi talit̄ alienati illud infra annum a tēpe alienationis hmodi, ingredi & tenere in feodo & hereditate. Et si capit̄ dñus immediate negligens fuerit, et feodū hmodi ingredi noluerit infra annū, tunc liceat primo capit̄ dño immediat̄ feodi illius, infra dimidiū ann̄ sequētē, feodū illud ingredi, & tenere sicut p̄dict̄ est, Et sic q̄libet capitalis dñs immediate ingredi pōt hōi feoda, si propinquior dñs īmedō ad ingrediendū hmodi feoda negligens fuerit

vt

vt predictum est. Et si omnes hm̄odi capitales domini hm̄odi feodi qui plene etatis fuerint, infra quatuor maria, & extra prisonam, p vnum annum & dimidium negligentes fuerint, vel remissi ī hac parte: Nos statim post annum completum a tempe quo huiusmodi emptiones, donationes, vel alios appropriationes fieri contigerit, t̄ras et ten̄ huiusmodi capiemus in manum nostram alios inde feoffabim⁹ per certa seruitia nobis inde ad defentionem regni nostri faciend̄, saluis capital̄ dominis feodorum illorum wardis, releuijs & escaetis, & alijs ad ipsas pertin̄, ac seruitijs inde debit̄ et consuet̄. Et ideo vobis mandamus, qd̄ statutum predictum coram vobis legi et de cetero firmiter teneri et obseruari faciatis. Teste me ipso apud westm̄. xiiij. die Nouembris. Anno regni nostri. vij. &c. | M. C. ca. 36. W. 2. ca. 32. &. 33. &. W. 3. Anno. 18 E. 1. cap. 4.

¶ Explicit statutum de Relig.

¶ Statutum de Acton Burnel edit. Anno. xi. E. i.

¶ Recognisance & statut. marchant. cap. 1.

PUr ceo que merchauntes, queux auaunt ceux heures dunt prests lour auoir as diuers gents, sont chues en pouertie, pur ceo q̄ ils nauoient pas cy redy ley purueu, p la quel ils poient lour dettes hastiuemēt recouerer

couerer al iour de la paye assigne, et per icel encheson sont multz des merchants sustretz de vener en cest terre oue lour merchandises as dam as marchants, & de tout le Roialme. Le roy per luy, & per tout son counsell, ad ordaine et estable, que merchant que doit estre sure en son det, face vener son dettour deuāt le Maior de Londres, ou de Euerwike, ou de Bristoll', ou deuant le Maior & vn clerke que le roy a ceo attournera, conuser la det, et le iour de paimēt, soit la reconuis. entre en roll' de le maine le dit clerke que serra conue. Duster ceo le dit clerke face de sa maine lettre obligak, a quel escripture soit mis le seal' le dettour, oue le seale le roy que a ē soit purueu, le quel seale demurra en le gardō del maior & le clerke auant dit.

Et si le dettour ne luy rende al iour que luy est done ou assis, si veigne le creansure al maior et al clerke oue sa lettre oblig. Et si troue soit per rolle ou per letter, que la det fuit conue, & que le ioure assis est passe, le Maior per vieu des prudes homes, maynteanunt face vendre les moebles du dettour come atteint de la dette, & come chateux burgages deuisables, iesque a la somme de la dette, et les deniers soient payes al creansour. Et si le Maior ne troue achatour, face y reasonable price liuerer les moebles a creansour, iesque a la somme de la dette en allowance de le dette. Et a la vende, et sa liuere des burgages deuisables serra mys le seale le Roye auaunt dit, en pardurable tes-

moign̄. Et si le dettour neit moebles in la poier le Maior, dont le dette purr̄ estr̄ leue, eins eit ailours en la realme, donqz maunde le Maior desouth le seale le roy auantdit al Chaunceller la conus. fait deuant luy et lauantdit clerke. Et le Chaunceller maunde brief al vic. en que baily auer moebles le dettour. Et le vic. face faire gree al creansour p mesme la forme, que le Maior le ferroit, si les moebles le dettour fuissent en son poyer. Et bien soy gardent ceux, q̄ ont praise l's bn̄z moebles pur liuerer al creansour, q̄ ilz mettēt reasonable price. Car silz les mettent trope haute, en fauour del dettour, al dam̄ del creansour, la chose prise soit liuer a ceux queux lauerōt praise pour le price q̄ ilz ent ont miz, & maintenāt respoign̄ al creansour de sa det. Et si la dettour voilt' dire, q̄ les biens moebles fuerent vendus ou liueres pur meines q̄ ilz ne vailent de ceo ne purr̄ il mie remedye auoir, p quoy q̄ le maior ou le vicount eyent loialment les bn̄s moebles a celuy q̄ pl⁹ offert vendus, car il purra retier a luy m̄ q̄ auant le iour de la suit port ses bn̄s moebles auer vendue, & per ses mains les deniers, auoir leue, et ne voillet.

¶ Et si le dettour neit moebles, dōt la det purr̄ estre leue, donques soit son corps prise ou que il serra troue, & en prison tenue, iesque a tant q̄ il eit fait gre, ou ses amies pur luy. Et sil nad, dont il poet estre sustenus en prison, la creansour luy trouera paine et ewe, q̄l ne mourge en prison pur defaulte, les queux

costages

costages le dettour luy rend oue le det, auãt q̃ il isser̃ del prison.

¶ Et si le creansour soit merchãt estrãg, il demurr̃ al costages le dettour tout le temps qui il demurt pur suer sa dette leuer ielque al heure que les biens moebles le dettour soient vendus ou a luy liueres.

¶ Et si le creãsour ne se paia pas de la suertie solement le dettour, per que pledges luy soiẽt troues ou mainpernors, si les maĩpernours ou les pledges veign̄ deuaunt le maior et le dit clerk, et soy obligent per escriptur̃ & recognus. sicome auaunt est dit del dettour. En m̄ le manner si la dette ne soyt paia a iour assis, soit fait lexecution sur les pledges & mainpernours come auant est dit del dettour. Et eit le creansour recouere sur les pledges & mainpernours come auant est dit del dettour.

¶ Et issint ne pur quant que tanqz com̄ la dette puisse estre pleinement leue des biens moebles del dettour en la forme auantdit, l's mainpernours ou les pledges ne eyent dam̄mes en defaulte des biẽs moebles du dettor eit le creansour recouere sur les mainpernours ou sur les pledges en la fourme que auant est dit del dettours &c. Et a susteiner les costages de lauantdit clerke, si prendra le roy de chescun liuer vn denier. Cest establishment voit le Roye que desormes soyt tenus & gard̄ per tout son Roialme Dengleterre, entre quel gẽts que c̄ soit, q̃ de lour demesne degree voudrõt cest recognisãs faire

hors prise Jewes aux q̄ux cest establishmēt ne se extend̄ pas.

¶ Et ꝑ cest establishmēt ne soit pas briefe de det abatus, & ne soient pas le Chauncelier, Barons de leschequer, Barons de lun bāke et de lauter, ou Justices errāts forclos de prendre recognusances des dets des ceux que deuant eux voudront faire. Mes lexecution des recognusances deuāt eux ne soient faitz en la forme auantdit, mes per la ley, et les vsages, & les maners auante vses.

Done a Acton Burnel, le xij. iour de October lan de nostre raigne | 11. vid̄ stat̄ de Mercatoribus añ. 13. E. 1.

¶ Statutum de westm̄. ii. edit' Anno xiii. E. primi.

Cum nuper dominus Rex, in quindena sancti Johannis Bapt. anno regni sui sexto, conuocatis prelatis, comitibus, baronibus, & consilio suo apud Gloc. quia plures de regno suo exheredationem patiebant̄, eo quod in multis casibus, vbi remediū apponi debuit prius non fuit, per predecessores suos, aut ꝑ ipsum remedium prouisum, quedam statuta populo suo vald̄ necessaria & vtilia edidit, per q̄ populus suus Anglicanus & Hibernicus sub suo regimine gubernat⁹ celeriorē iusticiam

ciam,quam prius in suis oppressionib⁹ cō-
secutus est,ac quidam casus, in quibus lex
deficiebat remanserunt indeterminati, & q̄dā
ad reprimendō oppressionē populi remāserūt
statuenda: Dñs rex in parliamento suo,post
Pascham,āno regni sui tertio decimo apud
Westm̃,multas oppressiones populi,et legū
defectus,ad suppletionem dictorū statutorū
apud Gloc.editorum recitari fecit,& statuta
edidit,vt patebit in sequent̃.

¶ Taile. I. Cap. I

¶ In primis de tenementis, que multocies
dantur sub conditione,videlicet cum aliquis
dat terram suam alicui viro,& eius uxori,et
hered̃ de ipsis viro et muliere procreatis,ad-
iecta conditione expressa tali. Si huiusmodi
vir et mulier sine hered̃ de ipsis viro & mu-
liere procreato obiisset, terra sic data ad do-
natorem,vel ad eius heredē reuertatur. In
causa etiā cum q̄is dat ten̄ alicui in liberū
maritagium,quod donum hz conditionē an-
nexam,licet nō exprimatur in charta doni,q̄
talis est. Quod si huiusmodi vir et muli-
er sine hered̃ de ipsis viro & muliere procre-
ato obiissent,tenementum sic datū ad dona-
torem, vel ad eius heredem reuertatur. In
casu etiam cum quis dat tenementum alicui
& hered̃ de corpore suo exeuntibus, durū vi-
debit̄,& adhuc videtur,huiusmodi donatori-
bus & heredibus donatorum,quod voluntas
donatorum ipsorum in donis suis expressa:
non fuit prius,nec adhuc est obseruata. In
omnibus enim predictis casibus post prolem

suscitatam & exeuntem ab ipsis quib⁹ ten̄ sic conditionaliter fuit datum, hucusq; habuerunt huiusmodi feoffati potestatem alienandi ten̄ sic datum, & exheredandi exitum eorū contra voluntatem donatorū, & contra formam in dono expressam. Et preterea cū deficiente exitu de hum̄i feoffatis, ten̄ sic datum ad donatorem, vel|ad|eius heredes reuerti debuit ꝑ formā in chart̄ de dono huiusm̄i expressā, licet exitus (si quis fuerit) obiisset|ꝑ factum|tamen| & feoffamentum eorum q̄b⁹ ten̄ sic fuit datū sub cōditione, exclusi fuerūt hucusq; de reuersione eorūdē tn̄torū, ꝙ manifeste fuit contra formā doni. Propter quod dn̄s rex perpendens, ꝙ necessariū et vtile est in predictis casib⁹ apponere remediū, statuit quod voluntas donatoris, secund̄ formam in charta doni sui manifeste expressā, de cetero obseruetur, ita quod non habeant illi, quibus ten̄ sic fuit datum sub conditione, potestatem alienādi ten̄ sic datum, quo minus ad exitum illorum, quibus ten̄ sic fuerit datum remaneat post eorū obitum, vel ad donatorem, vel ad eius heredem (si exitus deficiat) reuertatur, per hoc quod nullus sit exit⁹ ōnino, vel (si aliquis exitus fuerit, & per mortem deficiet) herede de corpore huiusmodi exitus deficiente. Nec habeat de cetero secundus vir huiusmodi mulieris aliq̄d in ten̄ sic dato per conditionem, post mortem vxoris sue, per legem Anglie: nec exitus de secundo viro & muliere successionem hereditariam: sed statim post mortem viri & mulieris, quibus

bus ten̄ sic fuit datum, post eorum obitū ad eorum exitum, vel ad donatorem, vel ad ei⁹ heredem (vt predictum est) reuertatur. Et quia in nouo casu nouum remedium est apponendum: fiat impetranti tale breue. Precipe A. quod iuste &c. reddat B. tale manerium cum pertinen̄, quod C. dedit tali viro, & tali muliери, & hered̄ de ipsis viro & muliere exeuntibus: vel qd̄ C. dedit tali viro in liberum maritagium, cum tali muliere, & qd̄ post mortem predictorum viri & mulieris predicto B. filio eorundem viri et mulieris discendere debet per formā donationis predicte, vt dicit: vel quod C. dedit tali & hered̄ de corpore suo exeūtibus, et quod post mortem ipsius talis, predicto B. filio predicti talis discendere debet per formam donationis &c. Breue per quod donator habet recuperare deficiente exitu, satis est in vsu in cācellaria. Et sciendum est quod hoc statutum quoad alienationem tenementi contra formam doni imposterum faciend̄, locum habeat, et ad dona prius facta non extendat. Et si finis super huiusmodi ten̄ imposterū leuetur, ipso iure sit nullus. Nec habeat heredes huiusmodi, aut illi ad quos spectat reuersio (licet fuerunt plene etatis, in Anglia, et extra prisonam) necesse apponere clameū suum.

¶ Repleuin. 2. Cap. 2.

¶ Quia domini feodorum distringentes tenentes suos, pro seruicijs & consuetudinibus sibi debitis, multocies grauantur

per hoc, quod |cum| tenentes sui districtionē suā per breue, vel sine breue, replegiauerint ac cum ipſi domini (ad querimoniam tenentium suorum) ad com̃, vel ad aliam curiā habentem potestatem placitandi placita d̃ debito namio per attachiam̃ venerint, & rationabilem ec iustam districtionem aduocauerint, per hoc q̃d tenentes disaduocant nihil tenet̃ nec clamant tenere de eo qui districtionē fecit, et aduocauit, remanſit ille qui distrinxit in misericordia, & tenentes sui quieti, q̃bus pro illa disaduocatione per recordum com̃, siue aliarum curiarū, que recordum non habent, pena infligi non potest. De cetero prouisū est & statut̃, q̃ cū hm̃odi dn̄i in com̃ vel hm̃odi curia, iustic̃ de hm̃odi tenēt̃ibus suis consequi non possint, quā cito attachiati fuerint ad sectam tenentium suorum, concedatur eis breue ad ponēdum loquelam |illam| coram Justiciarijs, corā quibus (et non alibi) iustitia huiusmodi dominis exhiberi poterit, & inferat causa in breui, quia talis distrinxit in feodo suo pro seruic̃ & cons. sibi debitis. Nec per istud statutum derogat legi communi vsitate, q̃d non permisit aliquod placitum poni coram iustic̃ ad petitionē defendent̃: quia licet prima facie videat tenēs actor, & dominꝰ defendens, habito tamē respectu, ad hoc quod dominus distrinxit, & sequit̃ pro seruicijs et cons. sibi a retro existen̄ aliter apparebit potius actor, siue q̃rens, quam defendens. Et vt in certo sint Justic̃, de qua recenti seisina poterint dn̄i aduoca-

re

re rationabilem diſtrictionem ſuper tenẽtes ſuos de cetero concordatum eſt, quod rationabilis diſtrictio poterit aduocari de ſeiſina anteceſſorum vel predeceſſorum ſuorum, a tẽpore quo breue noue diſſeiſine currit, |vide W.1.ca.38.| Et quia aliquando cõtingit, q̃ tenens poſtquam replegiauerit aueria ſua, aueria illa vendit vel elongat, quo min⁹ retornum poſſit fieri dño diſtringenti, ſi adiudicetur. Prouiſum eſt, qd̃ vic̃ vel ballini de cetero non recipiant a conquerentibus ſolũmodo plegios de proſequendo, antequam deliberationẽ faciant de auerijs, ſed etiam de auerijs retornandis, ſi adiudicet̃ retornum. Et ſi q̃s alio modo plegios ceperit, reſpondeat ipſe de precio auerioꝝ. Et habeat dominus diſtringens recuperare per breue, qd̃ reddat ei tot aueria, vel tot catalla. Et ſi nõ habeat balliuus vnde reddat, reddat ſuperior ſu⁹. Et q̃a aliquando contigit, quod poſtquam adiudicatum fuerit diſtringenti retornũ auerioꝝ, & ſic diſtrictus, poſtquam aueria ſic retornata iterum replegiauerit, cũ viderit diſtringentem comparentẽ in curia paratum ſibi reſpondere, defaltam fecerit, ob quam iterum readiudicabit̃ diſtringenti retornum auerioꝝ, & ſic bis vel ter & infinitũ replegiabuntur aueria, nec habebunt iuditia curie regis in hoc caſu effectũ, ſuper quo nõ fuit prius remedium prouiſum: Ordinatũ eſt in hoc caſu talis proceſſus, qd̃ quam cito adiudicatum fuerit retornum auerioꝝ diſtringenti, per breue de iuditio, mãdetur vic̃

quod

quod retornum habere faciat distringenti de auerijs, in quo breui inseratur, quod vic̃ ea non deliberet sine breue: in quo si fit mentio de tuditio per iustic̃ reddit̃: quod fieri non poterit, nisi per breue quod exeat de rotulis Iustic̃, coram quibus deduct̃ fuerit loquel̃. Cum igitur | districtus | adierit iustic̃, & petierit aũa sua iterũ sibi replegiari, fiat ei breue de iudicio, quod vic̃ (capta securitate de prosequendo, & etiam de auerijs seu cattalis retornandis, vel eorum precio, si adiudicet retornum) deliberet ei auera, vel cattalla prius retornata: et attachietur ille qui distrinxit, ad veniend̃ ad certum diem coram iustic̃, coram quibus placitum deducatur in presentia partium. Et si iterato ille, qui replegiauerit auera, fecerit defaltam, vel alia occasione adiudicetur retornum districtionis iam bis replegiatũ, remaneat districtio illa in perpetuum irreplegiabilis. Sed si de nouo, et de noua causa fiat districtio, de noua districtione seruetur processus suprad̃ictus.

¶ Cui in vita. 1. Cap. 3.

¶ In casu quando vir amiserit per defaltam tenũ, quod fuit tus broris sue, durũ fuit q̃d bror, post mortem viri non habuerit aliud recuperare quã p breue de recto. Propt̃ q̃d dñs rex statuit, q̃d mulier post mortem viri sui habeat recuperare per br̃e de ingressu, cui ipsa in vita sua cõtradicere nõ potuit quod in forma subscripta erit placitand̃. Si contra petitionem mulieris tenens excipiat, q̃d

qđ habuit ingressum per iuditium et compertum fuerit, quod per defaltam, ad qđ tenens necesse habet responder̄, si ab eo querat̄ tunc vlterius habet necesse ostendere ius suū secundū formā breuis, qđ prius impetrauit super virum & vxorem. Et si verificare poterit, quod habuerit, vel habet ius in ten̄ petito, nihil capiat mulier p breue suū. Quod si ostendere nō poterit, recuperet mulier ten̄ petitum, hoc obseruato, quod si vir absentauerit se, & noluerit ius vxoris sue defendere, vel | in vita vxore sua reddere voluerit | si vxor ante iudicium venerit, parata petenti respondere, & ius suum defendere, admittatur vxor. Eodem modo si tenens in dotem per legem Anglie, vel aliter ad terminum vite vel per donum in quo reseruatur reuersio, fecerit defaltam, vel reddere voluerit, admittantur heredes, vel ill' ad quos spectat reū-sio, ad responsionem, si venerint ante iudiciū Et si per defaltam, vel redditionem reddat̄ iudiciū, tunc habeant hered̄, vel illi ad quos spectat reuersio, post mortem huiusmod̄ tenentium, recuperare per breue de ingressu: in quo obseruetur idem processus, sicut predictū est in casu vbi vir amittit per defaltā ten̄ vxoris | sue. Et sic in casibus predictis due concurrunt actiones: vna int̄ petentem et tenentem, & alia inter tenentem ius suū ostendentem & petentem. | vide 20. E. 1. defensio iuris.

¶ Dower. 3. Cap. 4.

¶ In casu quando vir implacitatus de

ten̄

ten̄ reddit tenementum petitum aduersario suo de plano, post mortē viri, iusticiarij adiudicent mulieri dotem suā, si per breue petat. Sed in casu quando vir amittet per defaltam tenementum petitum, si mulier post mortem viri petat dotem, et compertum est, quod per aliquos Justic̄ adiudicat̄ fuit dos mulieri petenti, nō obstante defalta, quā vir suus fecit alijs Justic̄ in cōtraria opinione existentibus, & contrarium iudicantibus, vt de cetero huiusmodi ambiguitas amputetur & sit in certo: Ordinatum est quod in vtroque casu audiatur mulier, que dotem petit. Et si excipiatur contra ipsam, quod vir su⁹ ten̄, vnde dos petita est, amisit per iuditium, per quod dotem habere non debet, & si q̄rat̄ per quod iuditium et compertum fuerit qō per defaltam, ad quod tenens necesse habet respondere, tūc oportet tenent̄ vlterius respondere, et ostendere quod ipse [tenens] ius habuit, & habet in predicto ten̄, secundū formam breuis, quod tenens pri⁹ super virum impetrauit. Et si ostendere poterit, qō vir mulieris non habuit ius in ten̄, nec aliquis alius quā ipse qui tenet: recedat quietus, et vror nihil capiat de dote. Quod si ostendere non poterit, recuperet mulier dotem suam. Et sic in casibus istis, et in quibusdā casib⁹ subsequent̄. s. quando vror dotata amittat dotem suam per defaltam, & tenentes in libero maritagio per legē Anglie, vel ad terminum vite, vel per feodum talliatum, concurrunt plures actiones. Quia huiusmodi

tenentes

tenentes, cum oporteat eos petere tenementa sua per defaltam amissa, et cum adhuc peruentum fuerit, quod tenens necesse habet ostẽdere ius suum, non possunt ipsi, sine his ad quod spectat reuersio, de iure respondere: et ideo concedatur eis, quod vocent ad warrãt secundum tenorem breuis, ac si essent tenentes in priori breui warrant habeant. Et cũ warrantus warrantizauerit, procedat placitum inter illum qui seisitus est, et warrantũ secundum tenorem breuis, quod tenens pri⁹ impetrauit, et per quod recuperauit p defaltam. Et sic ex pluribus actionib⁹ ad vltimũ perueniat ad vnum iudicium, videlicet ad hoc quod huiusmodi petentes recuperent petitionem suam, vel quod tenẽtes eant quieti. Et si actio huiusmodi tenẽtis, qui necesse habet ostendere ius suum, mota fuerit p breue de Recto, licet Magna assisa, vel duellum iungi nõ possit p verba cõsueta, iungi tamẽ possunt per verba satis apta. Quia cum tenens in hoc quod ostendat ius suum, quod ei competet per breue quod prius impetrauit set sit loco actoris, bene poterit warrant defendere ius tenentis, qui loco petẽtis (vt dictum est) habet & seisinam antecessoris sui offerre & defendere per corpus liberi hominis sui, vel ponere se in magnam assisam, & petẽ inde recognitionem fieri, vtrum ipse maius ius habeat in tenemento petito, an prædictus talis, vel alio modo iungi poterit magna assisa, et sic talis warrant defendẽ ius &c. Et cognoscit seisinam antecessoris sui, et ponit se

in

in magnam assisam &c. & petit recognitionem fieri, vtrum ipse maius ius habeat in predicto tenemento, vt in illo de quo feoffauit talem, vel quod talis remisit & quietum clamauit &c. an predictus talis &c. Cum aliquando contingat, quod mulier non habens [ius] petenti dotem hereditatis heredis alicuius infra etatem existen̄, impetret breue de dote super custodem, & custos per fauorem mulieris dotem reddiderit, vel defaltam fecerit, vel placitum ita fict̄ per collusionem defenderit, per quod dos huiusmodi mulieri (in preiudicium hered̄) adiudicata fuerit: prouisum est quod heres, cum ad etatem peruenerit habeat actionem petendi seisinam antecessoris sui versus huiusmodi mulierem, qualem haberet versus quemcunque alium deforciatorem, ita tamen quod salua sit mulieri versus petentem exceptio ostendendi, quod ius habet in dote sua, quod si ostendere poterit, recedat quieta, & dotem suam retineat, & sit heres in misericordia, et amercietur grauiter secundum discretionem Iusticiariorum. Sin autem, recuperet heres petitionem suam. Eodem modo subueniatur mulieri, si heres vel alius eam implacitauerit de dote sua, si dotem suam per defaultam amiserit. In quo casu sua defalta non sit ei ita preiudicialis, quin dotem suam (si ius habeat) recuperare possit, & fiat ei tale breue. Precipe A. quod iuste &c. redd̄ tali, que fuit vxor talis tantam terram cum pertinentijs in C. quam clamat esse rationabilem dotem suam vel de

rati=

rationabili dote sua, et quam predictus talis ei deforceat. Et ad istud breue habeat tenens exceptionem suam, ad ostendō, quod mulier ius nō habet in dote. Quod si verificare poterit, recedat quietus, alioquin recuperet mulier teñ, quod prius tenuit in dote. Et cū temporibus retroactis aliquis amisisset terram suam per defaltam, non habuit aliud recuperare quam per breue de recto, qō eis cōpetere non potuit, qui de mero iure loqui non potuerunt, veluti tenentes ad terminum vite, vel per liberum maritagium, vel per feodum talliatum, in quibus casibus saluatur reuersio Prouisum est quod de cetero nō sit eorum defalta eis ita preiudicialis, quin statū suū (si ius habeant) recuperare possint p aliud breue quam per breue de recto. De maritagio amisso per defaltam fiat tale breue. Precipe A. quod iuste &c. reddat B. manerium de C. cum pertiñ, qō clamat esse ius, et maritagium suum, et qō predictus A. ei deforc. Eodem modo de teñto ad terminū vite per defaltam amisso, fiat tale breue. Precipe A. qō iuste &c. reddat B. manerium de C. cū pertiñ, quod clamat tenēr ad terminum vite sue, et quod predictus A. ei deforceat. Similiter quod clamat tenēr sibi & heredi suis de corpore suo legitime procreatis, & qō predictus A. ei defor. &c.

¶ Auowson. 1. cap. 5.

¶ Cum de aduocationibus ecclesiarum nō sint nisi tria breuia originalia, videlicet breue de recto, & duo de possessione, scz. ultime

pre-

presentationis, et quare impedit et hucusque vsitatum fuerit in regno, qd̄ cum aliquis ius presentandi non habens presentauerit ad aliquam ecclesiam, cuius presentatus sit admissus, ipse qui verus est patronus, per nullum aliud breue recuperare potuit aduocationem suam, quā per breue de recto quod debet terminare per duellum, vel per magnam assisam per quod heredes infra etatē existeñ ꝑ fraudem et negligentiam custodum, heredes etiā siue maiores, siue minores per negligentiam vel fraudem tenētium per legem Anglie, vel mulierum tenentium in dotem, vel alio modo ad terminum vite, vel annorum, vel per feodum talliatum, multociens exheredationem patiebantur de aduocationibus illis, vel ad minus (quod eis melius fuit) ponebantur ad breue de recto, et in casu omnino exheredati fuerunt hucusque. Statutum est quod huiusmodi presentationes non sint huiusmodi rectis heredibus, aut illis ad quos post mortem aliquorū huiusmodi aduocationes reuerti debent, ita preiudiciales quin quotienscunque aliquis ius non habens, tēpore huiusmodi custodiarum presentauerit, vel tempore tenentium in dote ꝑ legē Angl', vel alio modo ad terminum vite, vel annorū vel per feodum talliatum, in proxima vacatione, postq̄ heres ad etatem peruenerit, vel aduocatio post mortem tenentium in forma predicta ad heredē plene etatis existeñ reuerteť, habeat eandem actionem et recuperationem per breue de aduocatione possessorium

qualem

qualem haberet vltimus anteceſſor huiuſmodi heredis plenam hñs etatem, in vltima vacatione tempore ſuo accidente ante mortem ſuam, vel antequam dimiſſio facta fuerit ad terminum, vel ad feodum talliatum, vt predictum eſt. Hoc idem obſeruetur de preſentationibus factis ad eccleſias de hereditate borum, tempore quo fuerunt ſub poteſtate virorum ſuorum, quibus per iſtud ſtatutum ſubueniat, per remedium ſupradictum. Similiter etiam religioſis, epis, archidiaconis, rectoribus eccleſiarum, et aliis perſonis eccleſiaſticis per iſtud idem ſtatutum ſubueniatur, ſi aliquis ius p̃ſentādi non habens, preſentauerit ad eccleſias domus ſiue prelatie, dignitati aut perſonatui ſpectantes, tēpore quo vacauerint prelatie dignitatis, aut perſonat⁹ huiuſmodi nec tamen ita large intelligat iſtud ſtatutum, quod perſone, ad quorum remedium ſtatutum iſtud eſt editum, habeant recuperare ſupradictum, dicentes quod cuſtodes, tenentes in dotem, per legem Anglie, vl' alias ad terminum vite, vel annorum vel viri facte defenderint placitum per ipſos vel contra ipſos motum, quia iudicia in cur̃ regis reddit p iſtud ſtatutum non adnihilent ſed ſtet iudicium in ſuo robore, quouſque per iudicium curie |regis| tanquam erroneum (ſi error inueniatur) adnulletur, vel aſſiſa vltime preſentationis, vel inquiſitio per quare impedit ſi tranſierit per attinctam, vel p certificationem adnulletur, que gratis concedat. Et de cetero vna forma placitandi in hūbus

vltime presentationis, & quare impedit, inter iustic. obseruetur, quoad hoc quod si ps rea excipiat de plenitudine ecclesie per suam propriam p̄sentationem, non propt̄ illam plenitudinem remaneat loquela, dummodo bre infra tempus semestre impetretur, quāq̄ infra tempus semestre presentationem suā recuperar̄ nō possit. Et cum aliqn̄ inter plures clamantes aduocationē alicuius ecclesie pax fuerit formata int̄ partes, et irrotulata corā iusticiarijs in rotulo, vel |in| fine sub hac forma quod vnus primo presentet, & in sequenti vocatione alius, & in tertia tertius, et sic de pluribus, si plures sint. Et cum vnus p̄sentauerit, et habuerit suam presentationē, quam habere debet per forman conuentionis illius, et in proxima vacatione impediatur ille ad quem spectat sequens presentatio per aliquem qui fuit pars illius conuentionis, vel loco eius: statutum est quod de cetero non habeat huiusmodi Impeditus necesse perquirere breue de Quare impedit, sed habeat recursum ad rotulum, vel ad finem. Et si in rotulo, vel in fine comperta fuerit p̄dicta pax, vel conuentio, mandetur vic. qd̄ scire faciat parti impedienti, quod sit ad aliquem breuem diem continentem spacium. xv dierum, vel trium septimanarum, secundum qd̄ locus est propinquus vel remotus, ostens. (si quid sciat dicere) quare sic impeditus talē presentationem suam habere non debeat. Et si non venerit, vel forte venerit, et nihil sciat dicere, quare sic impeditus presentationem

suam

suam habere non debeat ratione alicui⁹ facti post pacem factam, vel irrotulatã, vel chirographatam, recuperet ꝓsentationem suam cum dampnis suis. Et cum contingat quod post mortem antecessoris sui, qui ad aliquã ecclesiam ꝓsentauit personam, assignata fuerit illa aduocatio in dotem alicuius mulieris, vel tenenti per legem Anglie, et tenentes in dotem, vel tenẽtes per legem Anglie ꝓsentauerint, et verus heres post mortem hmõi tenentium per legem Anglie, vel in dotem, impediatur ꝓsentare, cũ ecclesia vacauerit: Prouisum est, quod de cetero sit in electione impediti, vtrũ ꝙquirere velit per breue de Quare impedit, vel vltime ꝓsentationis. Hoc etiam de cetero obseruet de aduocationibus dimissis ad terminũ vite, vel annoꝝ, vel ad feod̃ talliat. Et de cetero in breuibus vltime ꝓsentationis, & Quare impedit, adiudicent̃ dãpna, videlicet si tempus semestr̃ transierit ꝑ impedimentũ alicuius, ita ꝙd eps ecclesiam cõferat, et verus patronus ea vice ꝓsentationem suam amittat, adiudicentur dampna ad valorem ecclesie de duobus annis. Et si tempus semestre non transierit, sed dilationet̃ ꝓsentatio infra tẽpus predictum, tunc adiudicent̃ dampna ad valorem medietatis ecclesie ꝑ vnum annũ. Et si impeditor nihil habeat, vnde restituet̃ possit dãpna, in casu qñ eps cõfert [ecclesie] per lapsũ temporis puniatur ꝑ prisonã duorũ annor̃. Et si aduocatio dilationet̃ infra tempus semestre, puniatur tñ impeditor per

pr̃isonam dimidij anni. Et de cetero cõcedãt
breuia de capellis, prebendis, vicarijs, hospi-
talibus, abbatis, prioratibus, & alijs domi-
bus que sunt de aduocationibus aliorum, q̃
prius concedi non consueuerunt. Et cũ per
breue indicauit, impeditur rector alicuius ec-
clesie, ad petend̃ decimas in vicina parochia,
habeat patron⁹ rectori sic impediti breue ad
petend̃ aduocationem decimarũ petitarum.
Et cum disrationatum fuerit, procedat post
modum placitum in curia Christianitatis,
quatenus disrationat fuer̃ in cur̃ regis. Cũ
aduocatio descendat participibus, licet vnus
bis p̃sentet, et vsurpet sup̃ coheredem, non
ppter hoc excl̃usus sit ille in toto q̃ fuit neg-
ligens, sed alias habeat turñ suũ p̃sentãdi
cum acciderit.

¶ Voucher. 4. cap. 6.

¶ Cum quis petat teñ versus alium, et
implacitatus vocauerit ad warrant, & war-
rantus dedicat warrantiam, et diu pendeat
placitum inter tenentem et warrantum, cũ
ad vltimum conuincatur, quod vocatus ad
warrãtum warrãtizare tenetur p̃ legem et
cons. hactenus vsitat, non fuit ante alia pe-
na inflicta vocato, qui warrantiam dedixit,
nisi tamen quod warrãtizaret, & esset in mia
quia prius non warantizauit, quod durũ fu-
it petentiqa multotiens per collusionem in-
ter tenentem et warantũ magnas sustinuit
dilationes. Propter quod dominus rex sta-
tuit, quod sicut tenens amitteret teñ petitũ
si vocasset ad warrantum, et warrãtus se

posset

posset deuoluere de warrantia, eodem modo amittat warrātus si warātiā dedicat, ⁊ cōuincat quod warrātizare debeat. Et si inq̄sitio pendeat int̄ tenentē ⁊ warrantū, et petens petat breue ad faciendū venire iuratā, concedatur ei &c.

¶Admesurement de dower. 1. Cap. 7.

¶Custodi de cetero concedatur br̄e de admensuratione dotis. Nec per sectā custodis si fiete et per collusionem sequatur, v̄s⁹ mulierem tenentem in dotem, p̄cludat heres cū ad etat̄ puenerit ad dotem admensurandā, secundū quod ꝑ legem Anglie fuit admensurandū. Et tam in isto breui, quam in br̄i de admensuratione pasture, celerior quā p̄us de cetero fit processus, ita quod cum peruent̄ fuerit ad magnā districtionem, dent̄ dies, infra quos duo com̄ teneant̄, ad quos publica fiat proclamatio, qd̄ defendens veniat ad diem in breui contentum querenti responsur̄. Ad quem diem si venerit, procedat placitū inter eos, et si nō venerit, et ꝓclamatio supradicto modo per vic̄ testificata fuerit, ꝓcedatur per defaltam ad admensurationem faciendam.

¶Admesurement de pasture. 1. cap. 8.

¶Cum per placitum motum per breue de admensuratione pasture, pastura fuerit admensurata aliqn̄ coram iustic̄, aliqn̄ in com̄ coram vic. multotiens contingit, quod post |huiusmodi| admensurationem actam, iterū ponit ille, qui primo superonerauit pastur̄, plura animalia quam ad ipsum pertinet ha-

bend̄, nec super hoc hucusq; prouisū fuisset remedium statut̄ est quod de secūda superoneratione fiat remedium conq̄renti sub hac forma, qd̄ conquerens habeat breue de iudicio, si coram iustic̄ admensurata fuerit pastura, quod vic̄ in p̄sētia partium p̄monitarum (si interesse voluerint) inquirat de scd̄a suponeratione. Que si inuenta fuerit, mandet̄ iustic̄ sub sigillo vic̄, & sigillis iuratorū, & iusticiarij adiudicent conq̄renti dāpna, et ponant in extractis valor̄ animaliū que suponeranr post admensurationē factā, posuit in pastura, vltra quod debuit, et extractas liberent baronibus de scaccario, vt inde respondeāt dño reg. Si in com̄ facta fuerit admensuratio, tūc ad instantiam q̄rentis exeat breue de cancellaria, quod vic̄ inquirat super huiusmodi superoneratione, & de auerijs positis in pasturam vltra debitū numerum, vel de precio dño regi ad scaccarium suum rñdeat. Et ne vic̄ fraudē faciat dño regi in isto casu, concordat̄ est, qd̄ omnia huiusmodi breuia de secunda superoneratione, que exeunt de cancellaria, irrotulentur, et in fine anni mittant̄ transcripta ad scaccarium sub sigillo cancellarij, vt videant thesaurarius & barones de scaccario qualit̄ vic̄ rñdeat de exitibus hm̄odi br̄ium. Eodem mod̄ irrotulentur br̄ia de reddisseisina, & mittantur ad scaccarium in fine anni.

¶ Mesne. 1. cap. 9.

¶ Cum capitales dñi distringunt feodum suum pro consuetudinibus, et seruicijs sibi debitis

debitis, et medius sit qui tenentem acquietare debeat, cum non iaceat in ore tenentis postquam districtionem replegiauerit, dedicere demãdam capitalis domini sui, qui aduocat in cur̃ regis iustam districtionem fier̃ super tenentem suum, vz super medium, multi p hm̃odi districtiones hucusq; grauati extiterunt, per hoc quod medius (licet haberet p quod distringi posset) magnas fecit dilationes anteq; ad cur̃ ven̄it ad respõdend̄ huiusmodi tenentibus suis ad br̃e de medio, per hoc etiã quod durius fuit in casu qñ medi⁹ nihil habuit, in casu etiã cũ tenẽs paratus esset facere capitali domino seruitia et consuetudines exactas, et capitalis dñs seruitia et consuetudines sibi debitas renuebat percipere per manum alterius quam per manum proximi tenentis sui, et sic amiserunt hm̃odi tenentes in dominico p̃fectum terrarum suarum aliq̃ ad tempus aliq̃ toto rẽpore suo, nec fuit antea aliquod remedium in hoc casu prouisum. Ordinatum est et p̃uisũ in hoc casu remediũ in posterũ sub hac forma, q; quam cito hm̃odi tenens in dominico habens medium inter ipsum & capitalẽ dominum distringitur, statim perquirat sibi tenens br̃e de medio. Et ũ medius habẽs terrã in eodem com̃ diffugerit vsq; ad magnam districtionem, der̃ querenti in br̃i suo de magna districtione talis dies, ante cuius aduentum duo com̃ teneantur, & p̃cipiatur vic. quod distringat mediũ per magnã districtionem prout in br̃i continetur. Et

nihilomin⁹ vic. in duob⁹ plenis com̄ solēp=
niter proclamare faciat, qd̄ huiusmodi me=
dius veniat ad diem in breui content̄, respō=
surus tenenti suo. Ad quem diem si venerit,
procedat placitum inter eos modo cōiuncto.
Et si non venerit huiusmodi medius, amit=
tat seruitium tenentis sui, & a modo non res=
pondeat ei tenens in aliquo, sed (omisso illo
medio) respondeat capitali domino, de eisd̄
seruitiis & cons. que prius facere debuit pre=
dictus medius. Nec habeat capitalis domi=
nus potestatem distrēgendi | tenentes in do=
minico | dum predictus tenens offerat ei ser=
uicia debita & consueta. Et si capitalis do=
minus erigerit plus quam medius ei facere
deberet, habeat tenens in hoc casu exceptio=
nem | vers⁹ dominum quam haberet medi⁹.
Si vero medius nihil habuerit in potestate
regis: nihilominus perquirat tenens breue
suum de medio, ad vic. illius com̄ in quo dis=
tringitur. Et si vic. mandauerit, quod medi⁹
nihil habeat vnde potest summoniri, nihilo=
minus sequatur breue de attachiamento. Et
si vic. mandauerit, quod nihil habet ꝑ quod
potest attachiari, nihilominus sequat̄ breue
de magna districtione & fiat proclamatio in
forma predicta. Si vero medius non habeat
terram, in com̄ in quo fit districtio, sed habe=
at terram in alio com̄, tunc exeat breue origi=
nal' ad summonend̄ mediū, ad vic. illi⁹ com̄
in quo fit districtio. Et cum testificatum fu=
erit per illum vic. quod nihil habet in com̄
suo, exeat breue de iuditio ad sum̄ medium.
ad

ad vic. illius com̄, in quo testificat̄ fuerit qd̄ habet ten̄, et fiat secta in illo com̄, quousq; p̄ueniatur ad magnam districtionem et proclamationem, sicut dictum est supra de medio habente terram in eodem com̄ in quo fit districtio. Et nihilominus fiat secta in com̄ in quo nihil habet (sicut dictum est supra de medio nihil habēte) quousq; perueniatur ad magnam districtionem, & proclamationem, & sic post proclamationem in vtroque com̄ factam abiudicetur medius de feodo & seruitio suo. Et cum aliqñ cōtingat qd̄ tenens in dominico feoffatus est, ad tenend̄ | de medio | per minus seruitium quam medius facere debuit capitali domino, cum post huiusmodi proclamationem attornatus sit tenens capitali domino, medio omisso, necesse habet tenens respondere capitali domino de seruiciis & cons. que medius ei prius facere debuit, & postquam medius venerit in cur̄, & cognouerit, quod acquietar̄ debet tenentem suum, vel adiudicetur ad acquietand̄, si post huiusmodi cognitionem aut iudicium querimonia perueniat quod medius non acquietat tenentem, tunc exeat breue de iudicio, qd̄ vic̄ distringat medium ad acquietand̄ tenētem, et ad essend̄ coram iustic. ad certū diē, ad ostendend̄ quare prius eum nō acquietauit. Et cum per districtionem venerit, audiatur querens. Et si querens verificare poterit, qd̄ ipsum non acquietauit, satisfaciat de dāpnis, & per iudicium recedat tenens quietus de suo medio, & attornetur capitali

domino

domino. Et si ad primam districtionem non venerit, exeat bre de alia districtione, et fiat pclamatio, et postquā testificat fuerit pcedatur ad iudicium, sicut superius dictū est, Et sciendum est, quod per hoc statutū non excluduntur tenentes, quin habeant warrātiam, si de tenementis suis implacitent sup medios suos et eorum hered, secund q pri⁹ habuerunt, nec etiam excluduntur tenentes, quin sequi possūt versus medios suos, secūdū consuetudinē prius vsitat, si viderint qd processus eorum plus valeat per antiquam cons. quam per istud statutum. Et sciendum est, quod per istud statutum non prouidetur remedium quibuscunque medijs, sed solum mod in casu cum sit vnus medi⁹ tm̄, int dominum distringentem & tenentem, & in casu qñ medius ille est plene etatis, et in casu qñ tenens sine preiuditio alterius quam medij attornare se potest capitali domino, qd dictum est pro mulieribus tenentibus in dotē, et tenentibus per legem Anglie, vel alit ad terminum vite |vel| per feodum talliatum, quibus pro aliquibus causis nōdum est pruisum remedium, sed (deo dante) alias prouidebitur.

¶ Iustices in eyre. 3. Cap. 10.

¶ Cum in itinere iustic. pclamatū fuerit, quod omnes qui brīa liberare voluerint, ea liberent infra certum terminum, post quem nullum breue recipiatur, multi de hoc confidentes, cum moram fecerint vsque ad pdictum terminum, & nullū bre super eos fuerit

liberatum

liberatū, de licentia iustic. recedūt, post quorum recessum aduersarij sui ipsorum abientiam percipientes, breuia sua porrigunt in cera, q̃ aliq̃ p fauorem, aliq̃ p dono per vicecomitem recipiūtur, et illi, qui secure credebant recessisse, ten̄ sua amittunt, vt huiusmodi fraudi subueniatur imposterū statuit dominus rex, qd̄ iustic. in itinerantibus suis statuant t̄minū quindene, vel mensis, minoris vel maioris t̄mini, scīz quod com̃ fuerit maior vel minor, infra quem t̄minū publicē proclametur, quod omnes q̃ breuia liberare voluerint, ea liberent infra terminum illum. Et in aduētu illi⁹ termini certificet, vic. capitali iustic itinerāti, quot brīa habet, & que et quod vltra illum terminum nullum brē recipiatur: quod si receptum fuerit, processus per illud factus pro nullo habeatur: excepto quod breue cessatum durāte toto itinere releuari poterit. Breuia etiam d̄ dote de viris qui obierint |al' seisiti| infra summonitionē itineris, assise vltime p̄sentationis, & quare impedit de ecclesijs vacantibus, infra summonitionem predictam, quocunque tempor̄ ante recessum iustic. recipiantur in itinere. Breuia etiam noue disseisine, quocunq; tēpore facta fuerit disseisina, recipiantur in itineribus iustic.

¶ Atturney. 2.

Concedit dñs rex de gratia speciali, qd̄ illi qui habent ten̄ in diuersis com̃, in quib⁹ iustic. itinerant, vel de quibusdā ten̄ in com̃ in quo iustic. nō itinerant timēt implacitar̄, et

& de aliis teñ in coñ, in quo iuſtic. non itinerant, unplacitentur: vt coram iuſtic. apud weſtm̃, vel de banco domini regis, vel coram iuſticiariis ad aſſiſas capiẽdas aſſignatis, vel in aliquo coñ coꝝ̃ vic. vel in aliqua cur̃ baroñ, facere poſſint generalem attoꝛnat̃ ad pꝛoſequendum pꝛo eis in omnibus placitis in itinere iuſtic. pꝛo ipſis vel contra ipſos motis vel mouendis, durante itinere. Qui quidem attoꝛnatus, vel attoꝛñ, habeat poteſtat̃ in placitis motis in itinere quouſqz placitum terminetur, vel dominus ſuus ipſum amouerit, nec per hoc excuſentur, quin ſint in iuratis, et aſſiſis coꝝam eiſdem iuſtic.

¶ Accompt. 2. Cap. II.

¶ De ſeruientibus, balliuis, camerariis, & quibuſcũque receptoꝛibus, qui ad compotũ reddendũ tenentur, concoꝛdat̃ eſt & ſtatutum, quod cum dominus huiuſmodi ſeruient̃ dederit eis auditoꝛes compoti, & contingat ipſos eſſe in arreragiis ſuper compotum ſuũ omnibus aliocatis & allocandũ, arreſtentur coꝛpoꝛa eoꝝum, & per teſtimonium auditoꝛũ eiuſdem compoti mittantur & liberent̃ pꝛime gaole domini regis in partibus illis, & a vic̃ ſeu cuſtode eiuſdem gaole recipiantur, & carceri mancipentur in terris, & ſub bona cuſtodia, & in illa pꝛiſona remaneant de ſuo pꝛopꝛio viuentes, quouſque dominis ſuis de arreragiis plenarie ſatiſfecerint. At tñ ſi qs ſic gaole liberatus conqueratur, quod auditoꝛes compoti ſui ipſũ iniuſte grauauerunt, onerando

onerando ipsum de receptis que non recepit, vel non allocando ei expensas aut liberationes rationabiles, et inueniat amicos, que cũ manucapere voluerint ad ducendũ coram baronibus de scaccario, liberetur eis, et scire faciat vic. (in cuius pr̃isona fuerit) domino quod sit coram baronibus de scaccario ad aliquem certum diem cum rotulis et alijs per quos compotum suũ reddiderit, et in p̃sentia baronum vel auditorum, quos assignar̃ voluerint, recitet compotus, & fiat partib⁹ iusticia, ita qd̃ si fuerit ī arreragijs, committar̃ gaole de Fleete, vt supr̃a dictum est. Et si diffugerit, & gratis compotũ reddere noluerit, sicut in alijs statutis alibi continetur, |Marlebr̃.cap.23.| distringatur ad veniendũ coram iustic. ad compotum reddendũ, si habeat per quod distringi possit. Et cum ad curiam venerit, dentur ei auditores compoti, coram quibus si fuerit in arreragijs, et statim arrer̃ soluere non possit committar̃ gaole custodiendũ in forma p̃dicta. Et si diffugerit, et testificatum fuerit per vic. quod non sit inuent̃ erigatur de com̃ in com̃, quousque vtlagetur. Et sit huiusmodi incarceratus irreplegiabilis. Et caueat sibi vic. vel custos eiusdem gaole, siue sit infra libertatem siue extra, quod per commune breue, quod dicitur replegiare, vel alio modo sine assensu domini ipsum a pr̃isona exire non permittat. Quod si fecerit, et super hoc conuincatur, respõdeat domino de damnis per huiusmodi seruientẽ sibi illatis, secundum quod per patriam veri-

ficare

ficare poterit, & habeat dominus suum recuperare per breue de debito | versus custodē.| Et si custos gaole non habeat, per qđ iusticietur, vel vnde soluat, respondeat superior suus q̃ custodiam huiusmodi gaole sibi commisit, per idem breue.

¶ Appelles. 5. cap. 12.

¶ Quia multi per malitiam volētes alios grauare, procurant falsa appella fieri de homicidio, & alijs felonijs, per appellatores nihil habentes, vnde dño regi, p falso appello, nec appellatis de dampnis, respondere possint Statutum est quod cum aliq̃s sic appellat⁹ de felonia sibi imposita, se acquietauerit in cur̃ regis modo debito, vel ad sectam appellatoris vel domini regis, iustic. coram quib⁹ auditum erit huiusmodi appellum et terminatum, puniant appellatorem per prisonam vnius anni, & nihilominus restituant huiusmodi appellatores dampna appellatis, secundum discretionem iustic. habito respectu ad prisonam vel arrestationem quam occasione huiusmodi appellorum sustinuerit appellati, et ad infamiam suam, quam per imprisonamentum vel alio modo incurrerunt, et nihilominus versus dñm regem gratuiter redimantur. Et si forte huiusmodi appellatores non habeant, vnde predicta dampna restituī possint, inquirat̃ per quorum abbettum formatum fuerit hm̃odi appellum, per malitiā, si appellatus hoc petat. Et si inueniatur per illam inquisitionem, quod aliquis sit abbettator per malitiam, per breue de iudicio, ad

sectam

sectam appellati, distringatur ad veniendum coram iustic. Et si legittimo modo conuictus fuerit de huiusmodi abbetto p̃ maliciam, puniatur per p̃isonam, et | tencatur ad restitutionem damnorum, sicut superius dictum est de appellatore | vide anno. 1. R. 2. ca. 13.

¶ Essoygne. 8.

¶ Nec iaceat de cetero appellatori in appello de morte hominis essonium, in quacunque curia | vbi | appell̃ fuerit terminand̃.

¶ Inditements. 1. cap. 13.

¶ Quia ciũ vic. multotiens fingentes aliquos coram eis in turnis suis indictatos de furtis, et alijs malefactis, capiunt homines non culpabiles, nec legittimo modo indictatos, et eos imp̃isonant, vt ab eis pecuniam extorqueant, cum legittimo modo per xij. iuratores non fuerint indictati: Statutum est quod vic. in turnis suis, & alibi, cũ inquirere habeant de malefactoribus per p̃ceptũ regis, vel ex officio suo, p̃ legales homines ad minus xij. faciant inquisitiones suas de huiusmodi malefactoribus, q̃ huiusmodi inquisitionibus sigilla sua apponant, et illos quos per huiusmodi inquisitiones inuenerint culpabiles capiant, et imp̃isonent, secundum quod alias fieri consuevit. Et si aliquos aliter imp̃isonauerint, quam per huiusmodi inquisitiones indictatos, habeant huiusmodi imp̃isonati actionem suam per breue de imp̃isonamento versus vic. sicut haberent versus quamcunque aliam p̃sonam, qui eos imp̃isonaret sine warranto,

Et

Et sicut dictum est de bit̃, obseruet de quolibet balliuo libertatis.

¶ Waste. 5. cap. 14.

¶ Cum de vasto facto in hereditate alicuius per custodes, tenentes in dotem, p legem Anglie, vel aliter ad terminum vite, vel annorum, consueuerit fieri br̃e de prohibitione vasti, per quod breue multi fuerunt in errore, credentes q̃ illi qui vastum fecerint, non habuerunt necesse respõdere nisi tm̃ de vasto facto post prohibitionem eis directam, dñus rex (vt huiusmodi error de cetero tollatur) statuit, quod de vasto quocunq; ad nocumẽt alicuius facto, non fiat de cetero breue de prohibitione, sed breue de summonitione, ita q̃ ille de quo queritur respõdeat de vasto facto quocunque tempore. Et si post summonitionem non venerit, attachietur, et post attachiamentum distringatur, et post districtionem, si non venerit, mãdet̃ vic. quod in propria persona, assumptis secum. xij. &c. accedat ad locum vastatum, et inquirat de vasto facto, et retornet inquisitionem. Postquam retornata fuerit inquisitio, procedat̃ ad iudm̃, secundum quod continetur in statuto prius edito apud Glot̃. cap. 5. de vasto. 20. E. 1.

¶ Prochein amy. 2. cap. 15.

In omni casu quo minores infra etatem implacitare possint, cõcessum est, quod si huiusmodi minores elongati sint quo minus personaliter sequi possint, propinquiores amici admittantur ad sequend̃ pro eis, West. 1. capit̃. 47.

¶ Wardes

¶ Wardes 11. Cap. 16.

¶ In casu quo alicui minori discendat hereditas ex parte patris, qui tenuit ꝺ̄ uno domino, et ex parte matris que tenuit de alio domino, dubitatio huiusque extitit de maritagio huiusmodi minoris, ad quem de duob⁹ dominis pertineat, concordatum est quod ille dominus de cetero habeat maritagiū, de quo antecessor suus prius fuit feoffatus, non habito respectu ad sexū, nec ad quantitatē tenē sed solummodo ad antiquius feoffamentum p seruicium militare.

¶ Essome 9. Cap. 17.

¶ In itinere iusticiē non admittatur de cetero essoiñ de malo lecti, de tenē in eodem comitatu, nisi ille qui se facit essoniari veraciter sit infirmus, quia si excipiatur a petente, qꝺ tenens non est infirmus, nec in illo statu quo minus venire potuit cor̄ iusticiarijs, admittat eius calūpnia. Et si hoc per inquisitionē conuinci poterit, vertatur illud essonium in defaltam. Nec faciat de cetero illud essonij in breui de recto inter duos clāmātes p eundem descensum.

¶ Execution 2. Cap. 18.

¶ Cum debitum fuerit recuperatum, vel in cur̄ regis recognitum, vel dampna adiudicata, sit de cetero in electione illius qui sequitur p huiusmodi debito, aut dāpnis, sequi breue quod vic̄ fieri faciat, de terris et catallis debitoris, vel qꝺ vic̄ liberet ei omnia catalla debitoris (exceptis bobus ⁊ affris carucę) et medietatē terre sue, quousque debit̄

fuerit leuat per rationabile precium & extēt Et si eijciatur de illo teñ, habeat recuperare per breue noue disseisine et postea per breue de redisseisina, si necesse fuerit.

Ordinaries 1. Cap. 19.

¶ Cum post mortem alicuius decedentis intestati, & obligati aliquibus in debito, bona deueniant ad ordinarium disponend, obligetur de cetero ordinarius ad respondendum |de debitis| quatenuz bona defuncti sufficiūt eodem modo quo executores |respondere| tenerentur, si testam̄ fecisset.

¶ Cosinage 1. Cap. 20.

¶ Cum Justic̄ in placito mortis antecessoriz consueuerint admittere responsionem tenentis, quod petens non est propinquior heres antecessoris, de cuius morte teñ petit, & hoc parat est per assisā inquirere. Cōcordat est, quod in breuibus de cōsanguinitate, auo et proauo, que sunt eiusdem nature, admittatur illa responsio, et inquiratur, & secund illā inquisitionem ad iudiciū procedatur.

Cessauit 2. Cap. 21.

¶ Cum in statuto edito apud Glouc̄ |ca. 4| contineat, quod si quis dimiserit terrā alicui ad redd valorē quarte partis teñ, vel maioris, habeat ille q̄ dimisit, vel ei⁹ heres (postquā cessatū fuerit a solutione per biennium) accionē petendi teñ sic dimissū in dominico. Eodem modo concordat est, quod si quis detineat domino suo seruitiū debitū & consuet p bienniū, habeat dñs actionē petendi teñ in dominico per tale breue. Precipe A. q̄ iuste

&c.

&c. reddat B. tale ten̄, quod A. de eo tenuit p tale seruitiū, & qd̄ ad pred̄ B. reuerti dz, eo quod predictus A. in faciend̄ predictū seruitium per biennium cessauit, vt dicit. Et non solum in isto casu, sed in casu de quo fit mētio in p̄dicto statuto Gloc. fiāt breuia de ingressu heredi petent̄ sup heredē tenēt̄ & sup eos quibus alienat̄ fuerit huiusmodi ten̄.

22 ¶ Cum duo vel plures teneant boscū, turbariam, piscariam, vel alia huiusmodi in cōi absq; hoc quod aliquis sciat suū seperale & aliquis eorum faciat vastū contra voluntatem alteri⁹, moueatur actio per br̄e de vasto. Et habeat defendēs, cū ad iudiciū venerit, electionem capiendi partē suam in certo loco per vic & p visū & sacr̄m, ac assignationem vicinorū ad hoc elect̄ & iuratorū, vel quod concedat q̄ nihil capiat de cetero in huiusmodi bosco, turbaria, & alijs, nisi secundū quod participes sui capere voluerint. Et si eligat capere partē suam in certo loco, assignetur ei locus vastatus in suam partē, scd̄m quod fuit anteq̄ vastū fecit. Et est tale br̄e in hoc casu, sc̄z cum A. & B. teneant boscū p indiuiso B. fecit vastum &c.

¶ Executours. I. Cap. 23.

¶ Habeant de cetero executores br̄e de cōpoto, & eandem actionem, & processum per illud breue, quale habuit mortuus, & haberet si vixisset.

¶ Nusance I. Cap. 24.

In casibus in quibus conceditur breue in Cancellaria de facto alicuius, de cetero

non recedant querentes a cur̃ regis sine remedio, pro eo qd̃ ten̄ transfert̃ de vno in alium. Et in registro de cancellaria non est inuentum aliqd̃ br̃e in isto casu speciale, sicuti de muro, domo mercato concedit̃ breue sup eum qui leuauit ad nocumẽtum. Et si trãsferatur domus, murus, & his similia in aliã personam br̃e non deneget̃, sed de cetero cũ in vno casu conceditur breue in consimili casu simili remedio indigente, sicuti prius, fiat br̃e. Questus est nobis A. quod B. iniuste &c. leuauit domum, murũ, mercatum, & alia que sunt ad nocumentum liberi ten̄ sui. Et si huiusmodi leuata ad nocumentum transferant̃ in aliã personam, de cetero fiat breue sic Questus est nobis A. qd̃ B. & C. leuauerunt &c.

¶ Quod permittat. I.

¶ Eodem modo sicut persona alicuius ecclesie recuperare potest cõmuniam pastur̃ p breue noue diss. eodem modo de cetero recuperet successor super disseisitorẽ vel eius heredem, per breue, quod permittat, licet huiusmodi breue prius in cancellaria non fuerit concessum.

¶ Iuris vtrum. I.

¶ Eodem modo sicut conceditur breue, vtrum aliquod ten̄ sit libera elemosina alicuius ecclesie, vel laicũ feod̃ talis fiat de cetero breue vtrũ sit libera elemosina talis ecclesie, vel alteri⁹ ecclesie, in casu quo libera elemosina vnius ecclesie transferatur in possessionem alterius ecclesie.

¶ Writtes

¶ Writtes. 2.

¶ Et quotienscunque de cetero euenerit in cancellar̃,quod in vno casu reperit̃ bꝛeue, et in consimili casu cadente sub eodem iure, et simili indigente remedio non reperit̃, cõcoꝛdẽt clerici de cancellaria in bꝛeue faciendo,vel atterminent querentes in pꝛoximum parliamentum,ꝛ scribantur casus in quibus concoꝛdare non possunt,ꝛ referant coꝛ ad pꝛoximum parliamentum,ꝛ de cõsensu iurisperitoꝛũ fiat bꝛeue,ne contingat de cetero quod curia dñi regis deficiat conquerentibus in iusticia perquirenda.

¶ Assise 6. Cap. 25.

¶ Quia non est aliquod bꝛeue in Cancellaria,per quod querentes h̃ bẽt tam festinũ remedium,sicut per bꝛeue noue disseisine,dominus rex voluntatem habens vt celeris fiat iusticia,ꝛ quod dilationeꝛ in placit̃ cõmuni amputentur et abbꝛeuientur,concedit qꝺ bꝛeue assise no.disseisine locũ habeat in pluribus casibus quam pꝛius habuit. Et cõcedit quod de estoueriis bosci,pꝛoficuo capiendõ in bosco,de nucibus,et glãdib⁹,ꝛ aliis fructibus colligendõ,de coꝛrodio, liberatione bladi,ꝛ alioꝛum victualium, ac neceſſarioꝛũ in certo loco annuatim recipiẽdõ,tolneto,tronagio,passagio,põtagio,pannagio,ꝛ hijs similibus in certis locis capiendõ, custodijs boscoꝛum, parcoꝛum, foꝛestarum, chascarum, warrennarum,poꝛtarum,ꝛ aliis ballitis,ꝛ officijs in feodõ,iaceat de cetero assisa no.diss. Et in omnibus supꝛadictis casib⁹ modo cõ-

sueto fiat breue de libero ten̄. Et sicut prius iacuit, & locū habuit in cōmunia pasture, ita de cetero locū habeat in communia turbarie, piscarie, & alijs communis his similib⁹, quas quis hz pertinentes ad liberum ten̄, vel etiā sine ten̄ per speciale factum, ad min⁹ ad terminum vite. In casu etiam quando quis tenens ten̄ ad terminum annozū, vel in custod illud alienat in feod, & p illam alienationem transfertur liberū ten̄ in feoffatum, fiat remedium per breue noue diss. et habeantur pro disseisitoribus tam ille q̄ feoffat, quam feoffatus, ita quod viuente altero cozū locū habeat predictum breue. Et si p mortem p̄sonarum cesset remedium per predictum br̄e fiat remedium per br̄e de ingressu. Et q̄uis superius fiat mentio de aliquib⁹ casibus de quibus locum non habuit prius breue noue disseisine, non propter hoc credet aliqs illud breue non competere, vbi prius competerat. Et licet dubitauerint quidam, vtrū in casu quo quis pascat alteri⁹ seperale, fieri poterit remedium per predictum breue, teneatur p̄certo, q̄ in casu illo p predictum breue bonū & certum est remediū. Caueāt de cetero illi q̄ nominati sūt disseisitores, q̄ nō ꝓponant falsas exceptiones, per quas captio assise differatur, dicēdo quod alias transiuit assisa de eodem ten̄ inter easdem partes, vel dicendo & mentiendo, quod breue de altiozi natura vēdet inter easdem partes ō eodem ten̄, et sup his & consimilibus vocent rotulos, vel recozdum ad warrantum, vt per illam vocationem

onem asportare possint vesturā, & leuare reddit⁹ et alia proficua ad magnum detrimentum querentis. Et quia prius aliam penam nō habuit, qui huiusmodi falsas exceptiones mendaciter proposuit, nisi tantum quod post mendatium suum cōuictum processum fuit ad captionem assise. Domin⁹ rex, cui odiose sunt huiusmodi false exceptiones, statuit qđ si quis disseisitor nominatuz personaliter ꝓponat illam exceptionem ad diem sibi datum & defecerit de warranto quod vocauit, habeatur pro disseisitore absqz recognitione assise, & restituat dāpna pri⁹ inquisita, vel post inquirenda de duplo, & nihilomin⁹ pro falsitate sua puniatur per prisonam vni⁹ anni. Et si illa exceptio proponatur per balliuum, nō propter hoc differatur captio assise, nec iudicium super restitutione teñ, & dampnū. Ita tamen, qđ si dñz illi⁹ balliui, qui absens fuerit, postmodū veniat coram iustic̄, qui assisā ceperint, & offerat verificare ꝑ recordū, vel ꝑ rotulos, quod assisa alias transiuit de eodē teñ inde inter easdem partez, vel qđ querēs alias se retraxit de breui consimili, vel placit̄ pendeat per breue de altiori natur̄: fiat ei br̄e de faciendo venire super hoc recordum. Et cū illud habuerit, & videant Iustic̄, qđ recordum ita ei missum valeret ante iudic̄, q ꝑ illud excluderetur querens ab actione sua, statim faciant iustic̄ scir̄ parti, q̄ prius recuperauit, qđ sit ad certum diem, ad quem rehabeat defendens seisinam suam, & dampna si que prius soluit per primum iudicium si-

mul cum dāpnis que habuit post primū iudicium redditum, que ei restituantur in duplo, sicut supradictū est: & nihilomus puniatur ille qui primo recuperauit, per prisonā secundum discretionem iusticiariorum. Eodem modo si defendens contra quē transiuit assisa, in sua absentia ostendat chartas, vel quiet̄ clam̄, super quarum confectione non fuerunt iurat̄ examinat̄, nec examinari poterunt, pro eo quod de eis non fiebat mentio in placitand̄, et probabiliter ignorare potuerūt confectionem huiusmod̄ scriptorum: Iustic̄ visis scriptis illis faciant scire parti, que recuperauit, quod sit ad certum diem corā eis & venire fac̄ iurat̄ eiusdē assise, Et si per veredictum iuratorum, vel forte per irrotulamētum scripta illa verificauerint, puniatur ille, qui assisam impetrauit contra factū suū per penam supradictam. Nec capiat vic̄ de cetero bouem a disseisito, sed a disseisitore tātum. Et si plures sint disseisitores in vno breue nominat̄, nihilominus de vno boue sit contētus: nec exigat bouem nisi de precio v, s. vel precium.

¶ Redisseisine. 3. Cap. 26.

¶ In breuibus de redisseisina adiudicētur de cetet̄ dāpna in duplo: & sint redisseisitores de cetero irreplegiabiles per commune breue. Et sicut in statut̄ de Merton |ca. 3.| prouisum fuit illud breue de his qui disseisit̄ fuerunt, postquam recuperauerunt per assisam noue disseisine, mortis antecessoris, aut per alias iuratas: vlterius de cetero habeat illud

illud breue locum in illis qui recuperauerint per defaltam, redditionem, aut alio modo sine recognitione assisarum vel iuratarum.

¶ Essoine. 10. Cap. 27.

¶ Postquam aliquis posuerit se in inquisitionem aliquam ad proximum diem, allocetur ei essonium, sed ad alios dies sequentes per essonium non differatur captio inquisitionis siue prius habuit essoñ siue non. Nec admittatur essoñ post diem dat prece partium in casu in quo partes consentiunt venire sine essoñ.

¶ Essoine. 11. Cap 28.

¶ Cum per statutum Westm̃ |pmer ca. 41.| statuatur quod postquam tenentes semel comparuerint in curia, non allocetur eis essoiñ in breuib⁹ assisarum: eodem modo de cetero obseruetur de petentibus.

¶ Oyer & terminer. 1. Cap. 29.

¶ Breue de transgr̃ ad audiendū & terminandū, de cetero non concedatur coꝝ̃ aliquibus Justic̃, except iustic̃ de vtroq; banco, & iustic̃ itinerant̃, nisi pro enormi transgr̃ vbi necesse est apponere festinum remedium Et dñs rex de gratia sua speciali hoc duxit concedendū. Nec etiam de cetero concedatur breue ad audiendum & terminādum appella coꝝ̃ iustic̃ assigñ, nisi in speciali casu, & certa causa cum dominus rex hoc preceperit. Sed ne huiusmodi appellati, vel indictati diu detineant̃ in p̃sona, habeāt breue de odio & atia sicut in Magna Charta |ca. 26.| & alijs statutis

tutis dictum est. |W.1.ca.11.Glok.ca.9.|

¶ Nisi prius. 1. Cap.30.

¶ Assignentur de cetero duo iustic̄ iurati, coram quibus, & non alijs capiantur assise no. disseisine, mortis antecessoris, & attincte, & associent sibi duos, vel vnum de discretioribus militibus com̄ in quē venerint, & capiant assisas predictas, & attinctas, ad plus ter per annū, videlicet semel inter quindenā sācti Johānis Baptiste, & gulam Augusti et iterum inter festum Exaltationis sancte Crucis, & Octabis sancti Michaelis, & t̄tio int̄ festū Epiphani, & festum Purificationis beate Marie. Et in quolibet comitatu ad quamlibet captionem assise, antequam recedāt, statuant diem de reditu suo, ita quod omnes de com̄ scire possint eorum aduentū & de termino in terminū adiournēt assisas. Si per vocationem warranti, per esson̄, vel per defectum recognitorum, ad vnum diem |captio earūdē differatur. Et si aliqua| causa viderint quod vtile sit, quod assise mortis antecessoris per esson̄ vel vocationem warranti respectuate adiournent̄ in banco, liceat eis hoc facere, & tūc mittant iustic̄ de bāco recordum, cū breue originali. Et cum loquela peruenerit ad captionem assise, remittatur loquela cū breui originali ꝑ Justic̄ de banco, ad priorez iustic. coram quibus capiat̄ assisa. Sed de cetero dent Justic. de banco in huiusmodi assisis ad minus quatuor dies per annū, corā prefat̄ iustic. assign̄, vt parcant laboribus et expensis. Atterminentur

in-

inquisitiones capiend̄ de trāsgr̄ placitat̄ coram iustic. de vtroq; banco, nisi ita enormis sit trāsgr̄, qd̄ magna indigeat examinatione. Atterminent etiā inquisitiones coram eis de aliis placitis placitatis in vtroq; banco, in quibus facilis est examinatio, vt qñ dedicit ingressus, vel seisina alicuius, vel in casu qñ de vno articulo sit inquirend̄. Sed inquisitiones de grossis & pluribus articulis, q̄ magna indigeant examinatione capiantur coram Justic. de bancis, nisi ambe partes petant, qd̄ inquisitio capiatur coram aliquibus de societate, cū in partes illas venerint, quod de cetero non fiat nisi per duos Justic. vel vnū cū aliquo milite de com̄, in quem partes cōsentiunt. Nec atterminentur huiusmodi inquisitiones coram aliquib⁹ Justiciarijs de banco, nisi statuat certus dies & loc⁹ in com̄ in presentia partium, & dies & locus inserātur in breui de iuditio per hec verba. Precipim⁹ tibi qd̄ venire fac. coram Justiciarijs nostris apud Westm̄ in octab. sācti Michaelis, nisi talis et talis die et loco ad partes illas venerint vic. &c. Et cum huiusmodi inquisitiones capte fuerint, retornentur in bancis, et ibi fiat iudicium, et irrotulentur. Et si omissa forma predicta aliqne inquisitiones capiantur, vel nullis habeantur, excepto quod assise vltime presentationis, et inquisitiones super Quare impedit atterminentur in proprio com̄ coram vno Justic. de banco, et vno milite, ad certos tamen diem & locum in banco statutos,

et

et siue defendens consentiat siue non: & ibi statim reddat iuditium.| vide 12. E.2. stat Eborum ca.3.| Habeant de cetero omnes iustic̄ de bancis in itineribus clericos irrotulātes omnia placita cor̄ eis placitat, sicut antiquitus habere consueuerunt. Item ordinat est, quod Justitiarij ad assisas capiēd assignat non compellant iuratores dicere p̄cise, si sit disseisina vel non, dummodo dicere voluerint veritatem facti, & petere auxilium iustic̄. Sed si spōte velint dicere, qd̄ disseisina est, vel non, admittatur eorū veredictum sub suo periculo. Et de cetero non ponant iustic̄ in assisis, aut iuratis aliquos iurat, nisi eos qui ad hoc prius fuerunt sum̄ | de finibus leuatis.27.E.1.cap.4.|

¶Exception.1. Cap.31.

¶Cum aliquis implacitat corā aliquib⁹ iustic̄, proponat exceptionem, et petat quod iustic̄ eam allocent: quam si allocare noluerint, & ille qui exceptionem proposuerit, scribat illam exceptionem, et petat quod iustic̄ sigillum suum appoñ in testim̄, Justiciarij apponant sigilla sua. Et si vn⁹ apponer̄ noluerit, apponat alius de societate. Et si forte ad queremoniam de facto Justiciariorum venire fac̄ dn̄s rex recordum coram eo, et si illa exceptio non inueniatur in rotulo, & querens ostēdat exceptionem scriptam sub sigillo iustic̄ appenso, mandetur Justiciario, quod sit ad certum diem ad cognoscendū sigillum suum, vel ad dedicendum. Et si iustic. sigillum suum dedicere non possit, ꝓcedatur

datur ad iuditium secundum illam exceptionem prout admittend̄ esset vel cassand̄.

Mortmaine 2. Cap. 32.

¶ Cum viri religiosi, & alie persone ecclesiastice implacitent aliquem, et implacitatus fecerit defaultā, ob quam ten̄ amittere debeat: quia iustic̄ hucusq; tenuerūt, quod si implacitat⁹ fecerit defaultam per collusionem, vt cum petenz occasione statuti de Religiosis anno 7. E. 1. per titulum doni, vel alteri⁹ alienationis, seisinam de ten̄ consequi non posset, per illam defaltam consequeretur, et sic fieret fraus statuto: Ordinat̄ est per dominum regem, & concessum in hoc casu quod postquā defaulta facta fuerit, inquiratur per patriam, vtrum petenz habeat ius in sua petitione vel non. Et si compertum fuerit, qd̄ petēs ius habuerit, procedatur ad iudicium pro petente, et recuperet seisinam suam. Et si ius non habuerit, incurratur ten̄ proximo domino feodi, si illud petat infra annum a tempore inquisitioniz capte. Et si infra annum non petat, superiori domino incurratur si petat infra dimidium annum post illum annum. Et sic habeat quilibet dominuz post proximum dominum, spacium dimidij anni ad petendum, successiue, quousque perueniatur ad regem, cui ad vltimum pro defectu aliorum dominorum ten̄ incurratur. Et ad calumpniandum iuratores inquisitionis, admittantur quicunq; capitales domini feodorum, et similiter pro rege qui calumniare voluerint. Et remaneat terra, postquā iudiciū

datum

datum fuerit in manu domini regis quousq; ten̄ per petent̄, vel per aliquem capitalē dn̄m disrationetur, & oneretur vic̄ ad respondend̄ inde ad scc̄arium.

Crosses 1. Cap. 33.

¶ Quia multi tenentes erigunt cruces in ten̄tis suis, aut erigi permittunt, in preiudicium dominorum suorum, vt tenentes p priuilegiū templariorum & hospitaliorum tueri se possēt contra capitales dominos feodorum. Statutū est quod huiusmodi ten̄ capitalibus dn̄is, aut regi incurrantur eodē mod̄ quo statuit alibi de tenement̄ alienat̄ ad manum mortuā | de Religiosis 7. E. 1.

¶ Rape 2. Cap. 34.

¶ Puruiew est que si home rauist feme espouse, damesell', ou auter feme desormes, per la ou el ne soit assentus, ne auant ne apres, eit iudgement de vie et de membre. Et ensement per la ou hōe rauist feme dam̄ espouse damsell', ou auter femme a force, tout soit q̄ el soy assent apres, eit tiel iudgement come deuant est dit, sil soit attaint a le suit le roy, & la eit le roy la suite. De mulieribus abductis cum bonis virorum suorum, habeat rex sectam de bonis sic asportatis. Et vxor si spōte reliquerit virum suum, et abierit, & moret̄ cum adultero suo, amittat in perpetuū accionem petendi dotem suam, que ei competere posset de ten̄ viri sui, si super hoc cōuincatur nisi vir suus sponte, & absq; cohertione ecclesiastica eam reconciliet, et secum cohabitare permittat, in quo casu restituatur ei actio.

Qui

Qui monialē a domo sua abducat, licet monialis consentiat, puniatur per prisonam trium annorum, et satisfaciat domui a qua abducto fuerit, competent: | & | nihilominꝰ redimatur ad vlountatem regis.

¶ Wardes 12. Cap. 35.

¶ De pueris masculis, siue femellis (quorum maritagiū ad aliquē ꝑtineat) raptis et abductis, si ille qui rapuit nō habens ius in maritagio, licet postmodū restituat puerū nō maritat, vel de maritagio satisfecerit, puniat tamē pro transgr̄ per prisonam duorum annorum. Et si non restituerit, vel heredē post annos nubiles maritauerit, & de maritagio satisfacere non potuerit, abiuret regnū, vel habeat perpetuam prisonam. Et super hoc habeat querēs tale breue. Si A. fecerit te securū &c. tunc pone ꝑ vad̄ &c. B. ꝙ sit coram iustic̄ nostris &c. ostens. quare talem hered̄ infra etat existeñ, cuius maritagiū ad ipsum A. pertinet, apud C. inuentum, tali loco rapuit, & abduxit contra voluntatem ipsiꝰ A. & cōtra pacem &c. Et si heres sit in eodem com̄ tunc addat ista clausula Et diligent inq̄ras vbi ille heres sit in balliua tua | et | ipsū vbicūq; inuēt fuerit capias, & saluo & secur̄ custodias, ita qd̄ eum habeas corā prefat iustic̄ nostris ad prefatum terminum, ad reddend̄ cui predictorū A. & B. reddi debeat. Et fiat secta versus partem, de qua queritur, quousque per districtionem venerit, si habeat per quod distringi poterit, vel per contumatiam (si non sit iustitiabilis) exigat, & vtlagetur.

Si

Si forte huiusmodi heres ducatur, & transferatur in aliū com̄, tunc vic̄ illius com̄ fiat talis breue sub hac forma: Questus est nobis A. quod B. nuper talem heredem infra etatē & in custodia sua existent̄, tali loco in com̄ tali rapuit, et de comitatu illo ad talem locum in comitatu tuo abduxit, contra voluntatem ipsius A. & contra pacem &c. Et ideo tibi p̄cipimus, q̄ p̄dictum heredem, vbicunque eū in balliua tua inuenire poteris, capias, & saluo & secure eum custodias, ita quod eū habeas coram iusticiarijs nostris &c. tali | loco & | die, quē diem A. habet versus p̄dictum B. ad reddendū ei de iure reddi debeat. Et si heres anteq̄ inueniri poterit, vel anteq̄ restituatur querenti, obierit, nihilominus p̄cedat placitū inter eos, quousq̄ terminet̄, cui restitui deberet, si superstes fuisset. Nec excusabit aut alleuiabit ille, q̄ iniuste rapuit hm̄di heredē de pena supradicta per mortem heredis, cuius extitit male fidei possessor dū vixit. Et si querens obierit ante placitum terminat̄, si ius ei competebat ratione p̄cipij feodi sui, resummoneat̄ loquela ad sectam heredū q̄rentis, & p̄cedat placitū debito ordine. Si vero p aliam titulū competat ei ius sicut titulo donationis, vendicionis, aut alio huiusmodi titulo tunc resommoneat̄ loquela ad sectam executorum querentis, et p̄cedat placitum vt p̄dictum est. Eodem modo si moriatur pars defendens antequā placit̄ terminet̄, vel heres restituatur, p̄cedat placitum per resum̄ inter querentem, vel eius heredem, seu

executores, & executores defendentis, vel ei⁹ heredes si executores non sufficiant, quoad satisfactionem de valore maritagii secundū quod in aliis statutis continet, sed non quo ad penam prisone, qz quis pro alieno facto non est puniendus. Eodem modo cum pendeat placitum inter partes de custodia terre vel heredis, vel vtriusque p̄ com̄ bre, q̄ incipit. Precipe tali &c. quod reddat &c. fiat resūmonitio inter heredes & executores querentis, & similiter heredes aut executores defēdentis, si mors alteram partem preueniat ante placitum terminatum. Et cum perueniatur ad magnā districtionem, det terminus, infra quem tres com̄ teneant ad min⁹, in quorum quolibet com̄ fiat publica p̄clamatio qd̄ deforciator veniat ad bancum, ad diem in breui contentum, responsur⁹ querēti Ad quem diem si non venerit, & proclamatio sic semel, secūdo & tertio testificat fuerit, p̄cedatur ad iudicium pro querente, saluo iure defēdent, si postmodum inde loqui voluerit. Eodem modo fiat in breue de transgr̄, cum quis queritur se eiectum fuisse de huiusmodi custodiis.

¶Procurements. I. cap. 36.

¶ Quia domini cur̄, & alii q̄ cur̄ tenēt, et senescalli, volētes grauare subditos suos, cū nō habeant legalem viam eos grauandi, p̄curant alios mouere querelas versus eos, & dare vadium, & offerre plegios, vel impetrar̄ breuia, & ad sectas hm̄di querentium compellunt eos sequi com̄, hundred̄, wapentachium

chium, & aũ, quousq; finem fecerint cum ipsis pro voluntate sua, statutum est, qđ hoc de cetero non fiat. Et si quis per huiusmodi falsas querimonias fuerit attachiat⁹, replegiet districtionem suam sic captam, et ponat fac. loquelam coram iustic. coram quibus si vic. vel alius balliuus, vel dñs, postq̃ sit districtus fecerit q̃rimoniã suã, aduocauerit iustã districtionẽ ratione hm̃di q̃rimoniarũ coraã eis factarũ, & replicet, qđ hm̃odi querimonie mouebantur versus eos malicios ad instantiã seu procurationem vic. aut aliorum balliuorum aut dominorũ, admittatur illa replicatio. Et si sup hoc cõuicti fuerint, versus dñm regem redimant, & nihilominus hm̃odi sic grauatis damna in triplo restituant.

¶ Distresses. 8. Cap. 37.

¶ Quia etiam balliui, ad quos ex officio pertinet districtiones facere, grauare volentes subditos suos, vt ab eis pecuniam extorq̃ant mittũt ignotos ad faciend̃ districtiones, ea intentione, vt subditos grauare possint per hoc quod sic districti non habentes notitiam personarum nõ permittunt huiusmodi districtiones super eos fieri. Statutũ est quod nulla districtio fiat nisi per balliuos notos & iurat. Et si alio modo districtiones fecerint, & de hoc conuicti fuerint, si grauati breue de transgr̃ impetrauerint, restituãt grauatis dãna | alias in triplo | & versus regẽ grauit puniantur.

Iurrours

¶ Iurrours. 2. cap. 38.

¶ Quia etiam vic. hūdredarij, & balliui libertatum consueuerunt grauare subdit suos, ponendo in assisis & iuratis homines lāguidos, & decrepitos, perpetua vel tempozali infirmitate languentes, homines etiam tempoze summonitionis suę in pētia nō commorantes, summonēdo etiam effrenatam multitudinē iuratozū, ita vt a q̄busdā eos in pace dimittendo pecuniam extozqueant, & sic fiunt assise & iurate multotiēs p̄ pauperiozes, diuitib⁹, pzo suo dando, domi cōmozantibus. Statutū est, qō de cetero non sūmoneantur in vna assisa plures q̄. xxiij. Senes etiam, videlicet vltra. lxx. annos, perpetuo lāguidi, vel tempoze sūmonitionis infirmi, vel in patria non cōmozantes, non ponant in iuratis vel minozibus assisis. ¶ Nec etiā ponāt in assisis vel iuratis, licet in pzopzio coñ capi debeant aliqui, qui minus teñ habeant quā ad valentiam viginti solidozum per annum. Et si huiusmodi assise, & iurat, extra coñ capi debeant, non ponantur in eis aliqui q̄ minus teñ habeant quam ad valentiā quadzaginta solidozum per annum, illis exceptis qui testes sūt in chartis, vel alijs scriptis, quorum pzesentia necessaria est, dum tamen potentes sint ad labozāō. ¶ Nec debet istud statutum extendi ad magnas assisas, in quibus opozteat aliquando ponere milites in patria non residentes, pzopter paucitatem militum, dum tamen teñ habeant in coñ. Et si vic. vel subballiui sui, vel balliui libertatum, contra

iſtud ſtatutum in aliquo articulo venerint, & ſuper hoc conuincantur, reſtituāt dāna grauatis & nihilominus ſint in miſericordia domini regis. Et habeant iuſtic. ad aſſiſas capiēd aſſignī, cum in com̃ venerint poteſtatem audiendi querimonias ſingulorum conquerentium, quoad articulos in iſto ſtatuto cōtentos, et iuſticiam in forma p̄dicta exhibend̄. | 21. Edwardi p̄imi de ponendis in Aſſiſis.

¶Retorne of ſhirifes. 1. Cap. 39.

¶Quia iuſticiarij (ad quorū officiū ſpectat vnicuiq; coram eis placitāti iuſticiam exhibere) frequentius impediuntur, quo minus officium ſuum debito modo exequi poſſint, p̄ hoc quod vic. b̄reuia originalia et iudicialia non retornant, per hoc etiam quod ad b̄reuia domini regis falſum retornant reſponſum. ¶Prouidit dominus rex et ordinauit, qd̄ illi qui timent malitiam vic. liberent b̄reuia ſua originalia et iudicialia in pleno com̃ vel | in | retro com̃, vbi fit collatio denariorū dñi regis & capiatur billettum de vic. p̄ſente, vel ſubuic̄, in quo billette contineantur nomina petentium et tenent̄ in b̄reui nominat̄, & ad requiſitionē illius qui b̄re liberauit, apponat billetto ſigillum vic. vel ſubuic. in teſtim̃ & fiat mētio de die liberationis b̄reuis. Et ſi vic. vel ſubuic. huiuſmodi billetto ſigillum ſuum apponere noluerit, capiatur teſtimonium militum et aliorum fide dignorū qui p̄ſentes fuerint, qui ſigilla ſua huiuſmodi billetto apponant. Et ſi vic. b̄reuia ſibi liberat̄ non retornauerit

tornauerit et super hoc ad iusticiarios perueniat querimonia, mandetur per breue de iuditio iustic. ad assisas capiendas assign̄, qd̄ inquirent per eos qui presentes fuerint, qn̄ br̄e vic. liberatum fuit, si sciuerint de illa deliberatione, et inquisitio returnetur. Et si compertum fuerit per inquisitionem, quod breue fuit ei liberat̄, adiudicentur querenti vel petenti damna, habito respectu ad qualitatem et quantitatem actionis, & ad periculum qd̄ ei euenire posset. per dilationem quam patiebatur. | Anno. 2. E. 3. ca. 5. apud Not. | Et p istam viam fiat remedium quando vic. respōdet, quod breue adeo tarde venit, quod p̄ceptum regis exequi non potuit. Multotiēs etiā capiunt placita dilationes per hoc quod vic. respondet, quod precepit balliuis alicuius libertatis, qui nihil inde fecerint, et nominet libertates que nunquam retornum breuium habuerunt. Propter quod, ordinauit domin⁹ rex, quod thesaurarius & baron̄ de scaccario liberent | iusticiarijs in rotulo oēs libertates in quibuscunqz com̄ qui hn̄t retornum breuium. Et si vic. respondet qd̄ mandauit balliuo alterius libertatis, quā alicuius cōtente in predicto rotulo, statim puniatur vic. tanq̄ exheredator regis et corone sue. Et si forte respondeat quod mandauit balliuis alicuius libertatis, qui veraciter retornum hz | qui nihil inde fecit | mandetur vic. quod nō omittat propter aliquam libertatem predictam, quin exequatur preceptum domini regis, et quod scire faciat balliuis, quib⁹ fecit returnū

quod sint ad diem in breui contentum, ad respondendū, quare de precepto domini regis executionem non fecerint. Et si ad diem venerint, et se acquietent, quod returnum breuis non fuit eis factum, statim condēpnetur vic. domino illius libertatis, & similiter parti lese per dilationem in restitutionem dampnorū. Et si ad diem non venerint balliui, vel venerint, et supradicto modo se non acquietauerint, in quolibet breui de iudicio, quam diu durat placitum, ꝓcipiatur vic. quod nō omittat propter libertatem. &c. Multotiens etiā vic. falsum dant responsum, quoad illum articulum quod de exit &c. mandantes aliquādo et mentientes, quod nulli sunt exitus, aliquando quod parui sunt exitus, cum de maioribus respondere possint aliquando nō facientes mentionem de exit. Propter qđ ordinat est et cōcordatum, quod si querens petat auditum responsionis vic. concedatur ei. Et si offerat verificare, quod vic. de maioribus exitibus regi respondere potuit, fiat ei breue de iudicio ad iustic. ad assisas capiendū assignatos quod inquirant in presentia vic. si interesse voluerit, de quibus & quantis exit vic. respondere potuit a die impetrationis brīs usque ad diem in breui contentum | al' receptionis vide P. 27. H. 8. ca. 10. f. 3. & P. 20. H. 6. ca. 10. fo. 25. | et cum inq̄sitio retornata fuerit, si de pleno prius non responderit, oneretur de superplusagio per extractas iustic. liberatas ad scaccarium, et nihilominus grauiter amercietur pro concelamento. Et sciat

vic

vic̃, quod redditus, blada in grangia, & omnia mobilia, præt equitaturam, indumenta, & vtensilia domus cõtinentur sub nomine exituum, Et præcepit dominus rex, qõ vic̃ pro huiusmodi falsis respõsionibus semel et iterum (si sit necesse) per iustic̃ castigentur. Et si tertio deliquerent, alius non appoñ manũ quam dominus rex. Multotiẽs etiam falsũ dant responsum, mandando quod non potuerunt |exequi| præceptum regis ꝓpter resistentiam potestatis alicui⁹ magnatis, de quo caueat vic̃ de cetero, quia huiusmodi respõsio multum redundat in dedecus domini regis et coꝛone suæ. Et quam cito subballiui sui testificẽtur, qõ inuenerũt huiusmodi resistentiam, statim (omnibus omissis) assũpto secum posse com̃ sui, eat in propria persoñ sua ad faciendõ executionem. Et si inueniat subballiuos suos mendaces, puniat eos per prisonam, ita quod alij per eoꝛum penã castigẽtur. Et si inueniat eos veraces, castiget resistentus per prisonam, a qua non deliberetur sine speciali præcepto domini regis. Et si forte vic. cum venerit, resistentiã inuenerit, certificet cur̃ de nominibus resistentiũ, auxiliantium, consentientiũ, præcipientium et fautoꝛum, et per breue de iuditio attachient huiusmodi per coꝛpoꝛa, ad veniendũ ad cur̃ regis. Et si de huiusmodi resistentia conuincantur, puniantur secundum quod domino regi placuerit. Nec intromittat se aliqs minister domini regis de pena

huiusmodi infligenda, quia dominus rex hoc sibi specialr reseruat, pro eo quod huiusmodi resistentes censentur pacis sue & regni pturbatores. | 13. E. 1. de mercatorib⁹ articuli super chartas. ca. 16.

¶ Age. 4. Cap. 40.

¶ Cum quis alienatus vxoris sue, concordat est, qd de cetero secta mulieris, aut eius heredis non differatur post obitum viri per minorem etatem heredis, q̃ warrantizare dz, sz expectet emptor (qui ignorare non debuit quod ius alienum emit) vsque ad etatem warranti sui, de warrantia sua habenda.

¶ Contra formam collationis. 1. cap. 46.

¶ Statuit dominus rex qd si abbates, priores, custodes hospitalium, et aliarū domorum religiosarum fundatarum ab ipso, vel a progenitoribus suis, alienauerint d̃ cetero teñ dominus ipsis ab ipso vel a progenitoribus suis collata, teñ ill' in manū domini regis capiantur, et ad voluntatem suā teneantur, et emptor amittat suū recuperare, tā de teñ quam de pecunia, quam paiauit. Si aut dom⁹ illa a com̃, baroñ, vel ab alijs fūdat fuerit, de teñ sic alienat hēat ille a quo vel a cuius antecessore teñ sic alienat collat fuerit, breue ad recuperand̃ teñ illud in dominico, quod tale est, Precipe tali abbati, qd iuste &c. reddat .N. tale teñ, qd eidem domui collatum fuit in liberam elemosinam per p̃dict̃ N. vel antecessores suos, et quod ad p̃dict̃ N. reuerti dz per alienationem, quam

predictus

predictus abbas fecit de predicto ten̄ contra formam collationis predicte, vt dic̄t. Eodem modo de ten̄ dat̄ p cantaria |sustinenda| vel luminari in aliqua ecclesia vel capella, vel alia elemosina sustentanda, si ten̄ sic dat̄ alienetur. Et si forte ten̄ sic dat̄ p cantaria, luminari, pastu pauperum, vel alia elemosina sustentanda vel faciend̄, non fuerit alienat̄, sed subtracta fuerit huiusmodi elemosina p biennium, competat actio donatori aut eius heredi ad petend̄ ten̄ sic datum in dominico, sicut statut̄ est in statuto Glouc̄, de ten̄ dimissis ad faciend̄ vel reddendum quartam partem valoris ten̄, vel maiorem. Gloucester cap. 4.

¶ Fees. 1. Cap. 42.

¶ De marescallis domini regis de feodo, camerarijs, custodibus hostiorum in itinere iustic̄, et seruientibus virgam portantibus coram iustic̄ apud Westm̃, q̄ officium illud habent de feodo, & qui plus exigunt ratione feodi sui quam exigere consueuerunt, secundum quod multi queruntur super eos q̄ statut̄ cui a multo tempore viderunt & sciūt, dominꝰ rex inquiri fecit, quem stat̄ predicti ministri de feodo habere consueuerunt temporibus retroactis, & per inquisitionem statuit et precipit, quod mareschallus de feodo q̄ de nouo exigit palefrid̄ de comitibꝰ, baron̄, & alijs per partem baronie tenent̄, q̄n̄ homagium fecerint, et nihilominus ad milicia eorum alium palefrid̄, et de quibusdam (de quibus palefridum habere non debuit) pa-

palefridum

lefridum de nouo exigunt, ordinauit qd̃ predictus mareſcallus de quolibet comite & barone (integram baroniam tenente,) de vno palefrido ſit contentus, vel de precio quale antiquitus percipere cõſueuit, ita quod ſi ad homagium, quod fecit, palefridū vel precium in forma predicta ceperit, ad militiam ſuam nihil capiat. Et ſi forte ad homagium nihil ceperit, ad militiam ſuam capiat. De abbatibus, et prioribus integram baroniam tenentibus cum homagium aut fidelitatem p baronijs ſuis fecerint, capiat palefridū vel precium, vt predictum eſt. Hoc idem de archiepiſcopis, et epiſcopis obſeruand̃ eſt. De his autē qui partem baronie tenent, ſiue ſint religioſi, ſiue ſeculares, capiat ſecundū portionem partis baronie, quam tenent. De religioſis tenent̃ in liberam elemoſinam, et non per baroniam, vel partem baronie, nihil de cetero exigat mareſcallus. Et cõceſſit dominus rex, quod per hoc ſtatutum non precludatur mareſcallus ſuus de feodo in plus petendo, ſi in poſterum oſtendere poterit, qd̃ ius habeat plus petendi. Camerarij domini regis habeant de cetero de archiepiſcopis, epiſcopis, abbatibus, prioribus, & alijs perſonis eccleſiaſticis, com̃, baroñ integram baroniā tenēt, rationabilē fin̄ cum homagium aut fidelitatem pro baronijs ſuis fecerint. Et ſi per partem baronie teneant, capiant rationabilem finem ſecundum portionem ipſos cõtingentem. Alij vero abbates, priores, religioſi, et ſeculares non tenentes

per

per baroniam, vel partem baronie, non distringantur ad finem faciend̄, secundum qd̄ de tenentibus per baroniam vel partem baronie dictum est, sed sit Camerarius de superiori indumento contentus, vel de precio indumenti: quod plus honeste dictum est ꝑ religiosis quam secularibus, q̄a honesti⁹ est quod religiosi paiāt ꝑ superiori indumēto, quam exuant̄.

¶ Citation. I. Cap. 43.

¶ Prohibeatur de cetero hospitalarijs et templarijs, ne de cetero trahant aliquem in placitum coram conseruatoribus priuilegiorum suorum de aliqua re, cuius cognitio spectat ad forum regium. Quod si fecerint, primo restituant dāpna parti grauate & v̄sus dominum regem grauiter puniantur. Prohibet etiam dominus rex conseruatoribus priuilegiorum eorundem, ne de cetero (ad instantiam hospitalariorum, templariorum, aut aliorum priuilegiatorum) concedant citationes, priusquam exprimatur super qua re fieri debeat citatio. Et si viderint |huiusmodi| conseruatores, quod petatur citatio de aliqua re, cuius cognitio spectat ad forum regium, huiusmodi conseruatores nec citationem faciant, nec cognoscant. Et si aliter fecerint conseruatores, respondeant parti lese de dampnis, et nihilominus versus dominum regem grauit̄ puniant̄. Et quia hm̄odi priuilegiati impetrāt cōseruatores, subpriores, p̄ntator̄ sacristaz, religiosos, q̄ nihil hn̄t vnd̄ lesis aut

domino

domino regi satisfacere possint, qui audatiores sint ad ledend̄ dignitatem domini regis quam eorum superiores, quibus per eorum temporalia, pena potest infligi, Caueant de cetero prelati huiusmodi obedientiariorum, ne permittant obedientiarios suos assumere sibi iurisdictionem in ꝓiudicium domini regis & corone sue. Quod si fecerint, ꝓ facto ipsorum respondeāt sui superiores ac si de ꝓpꝛio facto suo conuicti essent.

¶ Fees. 2. Cap. 44.

¶ De custodibus hostiorum in itineribus virgam portantibus coram iustic̄ de banco: ordinat est qd̄ de qualibet assisa & iurat quā custodiunt, capiant decē denarios tm̄, & chirographis nihil. De his q̄ recuperāt demādas suas versus plures ꝓ defaltam, redditionem, vel alio modo per iudiciū sine assisa vel iurat, nihil. De his q̄ recedūt sine die ꝓ defalt petentis, vel querentis nihil capiant. Et si quis recuperauerit demandam suam versus plures per vnum breue, & per recognitionem assise vel iurate, de quatuor denariis sint contenti. Et similit̄ si plures in vno breui nominati per recognitionem assise vel iurate recuperauerint demandā, de quatuor denarijs sint contenti. De his qui faciunt homagium in banco, de superiori panno sint cōtenti. De magnis assisis, attinctis, iuratis, & duello percusso xij. d. tm̄ capiant. De his qui vocati sunt coram iustic̄, ad sequēd̄, vel defendend̄ placitum suū, nihil capiant ꝓ egressu vel ingressu. Ad placita corone de

qualibet

quakbet duodena.xij.d̃.tantum capiant. De quolibet pr̃isonario deliberato.4.d̃.tantum captãtur. De quolibet, cuius pax p̃clamata fuerit.1.d̃.tantum capiatur. De inuentorib⁹ occisorum & aliis attachiat̃ vlt̃ quatuor denarii. De decinariis hominibus al̃, de quatuor hominib⁹ & proposito ac denarius nihil nihil capiatur. De chirographariis p̃o chirographo faciend̃ statut̃ est, q̃d de quatuor solidis sint contenti. De clericis scribentib⁹ br̃ia originalia & iudicialia statutum est: q̃d p̃ vno breui de vno denar̃ sint contenti. Et iniũgit dñs rex õnib⁹ & singulis iustic. suis in fide & sacr̃o quibus ei tenentur, q̃d si hmodi ministri contra p̃dictum statutum in aliquo articulo venerint, & querimonia ad eos perueniat, penam eis infligant rationabilem. Et si iterum deliquerint, maiorem penam eis infligant, qui castigari merito debeant. Et si tertio deliquerint, & super hoc cõuicti fuerint, si sint ministri de feodo. amittãt feod̃ suum, & si alii sint, omittant cur̃ regis nec redeant sine ip̃si⁹ regis speciali p̃cepto aut gratia.

¶ Execution. 3. ca. 45.

¶ Quia de his que recordata sunt coram cancellaria dñi regis, & eius iustic. q̃ recordũ hñt & in rotulis eorum irrotulat̃, non debet fieri p̃cessus placitor̃ suor̃, attachiamẽta, essoñ, visus terre, & alias solempnitates cur̃, sicut fieri consuevit de contract̃ & conuẽtionibus factis extra curiam, obseruandum est de cetero quod ea que inueniuntur irrotulat̃

coram

coram his, q̄ recordum hn̄t, vel in finibus content̄ siue sint contractus, siue cōuentiones siue obligationes, siue seruitia, aut consuetudines, recognita, siue aliqua quecunq; irrotulat̄, quib⁹ cur̄ domini regis (siue iur̄ & consuetudinis offenso) auctoritatem prestare potest, talem de cetero habeant vigorē quod non sit necesse in posterum de his placitare, sed cum venerit conquerens ad cur̄ domini regis, si recens sit cognitio, vel finis leuat̄ videlicet infra annum, statim habeat breue de executione illius recognitionis facte. Et si forte a maiori tēpore trāsacto facta fuerit illa recognitio, vel finis leuatus, precipiat̄ vic. qd̄ scire faciat parti, de qua sit q̄rimonia, qd̄ sit ad cert̄ diē corā iustic. ostens. (si quid sciat dicere) quare hm̄odi irrotulat̄, vel in fine content̄ executionem habere non debeant. Et si ad diem non venerit, vel forte venerit, & nihil sciat dicere, quare executio fieri non debeat, precipiatur vic. qd̄ rē irrotulat̄, vel in fine content̄ exequi faciat. Eod̄ modo mādetur ordinario in suo casu, obseruat̄ nihilominus qd̄ |W. 2. ca. 9.| supradēm est de medio, qui per recognitionem aut iudicium obligat̄ est ad acquietand̄. 13. E. 1. Mercatoribus.

¶ Approuer. 2. cap. 46.

¶ Cum in statuto edito apud Merton̄. ca. 4. concessum fuerit, quod domini vastorum boscorum, et pasturarū appruare se possint de vastis boscis, et pasturis illis, nō obstāte contradictione tenentium suorum, dūmodo

tenentes

tenentes ipſi haberent ſufficientem paſturā ad teñ ſua, cum libero ingreſſu & egreſſu ad eaꝺ. Et pro eo quod nulla fiebat mentio int̃ vicinum & vicinum, multi domini baſtorum boſcorū, & paſtur̃ huiuſq; impediti extiterit per contradictionem vicinorum ſufficientem paſturam habentiū, Et quia forinſeci tenẽtes non habent maius ius communicandi in boſco baſto, aut paſtur̃ alicuius domini, quā proprii tenentes ipſius domini: ſtatutum eſt de cetero quod ſtatutum apud Wertō prouiſum inter dominum & tenentes ſuos, locū habeat de cetero inter dominos baſtorum, boſcorum, & paſturarum & vicinos, ita quod domini huiuſmodi baſtorum boſcorum, & paſtur̃ ſalua ſufficienti paſtura hominibus ſuis et vicinis, appruare ſibi poſſint de reſiduo. Et hoc obſeruetur de his qui clamant paſturā tanquam ptinentem ad teñ ſuum. Sed ſi quis clamat communem paſtur̃ per ſpeciale feoffamentum, vel conceſſionem ad certum numerum auerioꝝ, vel alio modo, quā de iure cōi habere deberet, cum conuentio legi deroget, habeat ſuū recuperar̃, quale habere deberet p̄ formā conceſſionis ſibi facte. Occaſione molendini ventricii, vercarie, vaccarie, neceſſarij, augmentationis cur̃, aut curtilagij, de cetero non grauetur quis p aſſiſam noue deſſeiſine de communia paſture. Et cum contingat aliquando, quod aliquis ius habens appruare, foſſatū aut ſepem leuauerit, & aliqui noctanter, vel alio tali tempore quo non credant factum eorum ſciri, foſſa-

fossatū aut sepē prostrauerunt, nec sciri poterit per veredictū assise aut iurate, q̄ fossatum aut sepem prostrauerunt, nec velint homines de villatis vicinis indictare de hm̄di facto culpabiles, distringantur propinque villate circum adiacentes leuar̄ fossat̄ aut sepem, ad costum proprium, & dampna restituere.

¶ Assise. 7. Cap. 46.

¶ Et cum aliquis ius non habens cōicādi vsurpet communiam tempore quo heredes infra etatem extiterint, vel vxores sub potestate virorum suorum existentes, vel pastur̄ sit in manu tenentium in dotem, per legem Anglie vel alit̄ ad terminum vite, vel annor̄ vel per feodum talliatum, & pastur̄ illa diu fuerint vsi, multi sunt in opinione qd̄ hm̄di pasture debent dici pertinere ad liberum ten̄, et ꝙ huiusmodi possessori cōpeter̄ debet actio ꝑ breue no. diss. si ab huiusm̄i pastur̄ deforc̄, sed de cetero tenend̄ est ꝙ habētes huiusmodi ingr̄m a tempore quo currit breue mortis antecessoris | s. del cōmencement del H. 3 p. W. 1. ca. 38 | si antea communiam non habuerūt, nō habeant recupar̄ per br̄e noue disseisine si fuerint deforciati.

¶ Fishe & Fishinges. 1. cap. 47.

¶ Prouisum est quod aque de Humbre, Ouse, Trente, Done, Arre, Derewent, Wherff. Niddior̄, Swale, Tese, Tyn̄, Edē & omnes alie aque | in regno | in quibus salmones capiunt̄. iponant̄ in defenso, quoad salmones capiēdos, & die Natiuitatis beate

Ma=

Marie, vsq; ad diem sancti Martini. Et similiter quod salmunculi non captantur, nec destruantur per retia, nec per alia ingenia ad stagna molendinorum, a medio Aprilis vsq; ad natiuitatem sancti Johānis Bap. Et in partibus vbi huiusmodi riparie fuerint, assignentur conseruatores istius statuti, que ad hoc iurati sepius videant et inquirant de huiusmodi transgr̃, & in prima transgr̃ puniantur per combustionem retium, & ingeniorum suorum. Et si iterato deliquerint, puniantur per prisonam quarterij anni. Et si tertio deliquerint, puniantur per prisonam vnius anni. Et sic multiplicata transgressione, crescat pene inflictio. | Anno. 17. R. 2. cap. 9.

¶ View. 1. Cap. 48.

¶ De visu terre ordinatum est et statutum quod de cetero non concedatur visus nisi in casu quando visus est necessarius. Sicuti si aliquis amittat ten̄ per defaltam: et ille qui amisit suscitet aliud breue ad petendum idem ten̄. Et in casu quando aliquis per exceptionem dilatoriam cassat breue post visum terre sicut per non tenuram, vel male nominando villam vel huiusmodi, si suscitet aliud breue, in hoc casu et in superiori de cetero non concedatur visus, dummodo visum habuerit in prioribus breuibus. In breui de dote competatur dos de ten̄, quod vir vxoris alienauit tenenti aut eius antecessori, cum ignorare nō debeat tenens, quale ten̄ vir vxoris alienauit sibi vel antecessori suo licet vir nō obijt seisi-

tus, nihilominus tenenti de cetero non erit visus concedendus. In breui etiã de ingressu cassato per hoc quod petens nominauit male ingrm̃, si petens suscitet aliud breue de alio ingressu & tenens in priori breue visum habuerit, in secundo non habebit. In omnib⁹ etiam breuibus q̃ que tẽ petunt ratione dimissionis, quam petens vl' eius antecessor fecit tenenti, et non eius antecessori, sicut quod ei dimisit, dum fuit infra etatem, non compos mentis, in prisona, & consimilibus, non iaceat de cetero visus, sed si dimissio facta fuerit antecessori iaceat visus sicut prius.

¶ Champerty c. 2. cap. 49.

¶ Chauncellier, Treasorer, Justices, ne nul del counsell' le roy, ne clerke de la chaunscerye, ne del eschequer, ne de Justice, ne dauter minister, ne nul del hostell' le roy, ne clerke, ne lay ne puis receiuer esglise, ne aduowson de esglise ne terre, ne tenem̃t en fee, q̃ done, ne per achate, ne a ferme, ne a champerty, ne en auter maner, tanqz come le chose est en plee deuant nous, ou deuant nul de nous ministres, ne nul lowerent soit pris. Et que encounter cest chose face, ou par luy ou par auter, ou mul | bargaine ent' face, soit punp a la volunte le roy auxibien celuy que le purchasera come celuy qz le fra. | 11. E. 1. Champartie. 1. articul' super chartas ca. 11. |

50 ¶ Omnia predicta statuta incipiant cõseruari ad festum sancti Michaelis proximo venturum, ita quod occasione aliquorum delictorum contra aliquod predictorum

statu-

statutorum citra predictum festum ppetratorum pena delinquentibus (de quib⁹ mentio fit in statutis) non infligatur.

¶ Accion on the statute. 1. Cap. 51.

¶ Super vero statutis in defectum legis & ad remedia editis, ne diutius querentes cum ad cur̄ regis venerint recedant de remedio desperati, habeant breuia sua in suo casu prouisa, sed nō placitent̄ vsqz post festū̄ sancti Michaelis suprādictum.

¶ Explicit statut̄ de Westm̄ secunde.

Statutum de Mercatoribus edit. Anno. xiii. E. i.

Recognisaunce, &c. 2.

Pur ceo que merchantes, queux auant ceux heures ont a prest lour auoier a diuers gentes, sont chies en pouertye; pur ceo que nauoient pas cy readye ley puruieu, per la quel ils purroyent lour dettes hastiuement recouerer au iour assys de la paye, & per cel encheson, lount multes des merchaunts sustretes de bener en cel terre oue lour

merchandiſes, au dam̃ des merchantes & de tout le Roialme: noſtre ſeignour le Roy per luy & per ſon counſel a ſon parliament quil tient a Acton Burnel, apres la ſeint Michael, lan de ſon raign xi. fiſt & ordeign̄ les eſtabliſhmentes ſur ceo, a remedie des merchantz, lex queux ordeinments et eſtabliſhments le roy commaunda que tenus fuiſſēt et firmement gardes en tout ſon roialm̃, dōt merchantes ount eȳe remedy & meins des miſchieues & trauailes de recouer lour dets que auant ne ſoilent. Mes pur ceo que marchantes puis ſoy pleindront au roy que les bi̇̄ malement enterpretont ſon eſtatute, & aſcune foitz per malice & per male interpretation delaieront lexec. del eſtatute, au grād dam̃ des marchants. Le roy a ſon parliam̃t a Weſtm̃, apres la Paſche, lan de ſō raigne xiij. fiſt reciter lauantdit ſtatute fait a Acton Burnel, & pur declarer aſcuns articles de leſtatute auantdit, ad ordeigne & eſtably que merchant que voit eſtre ſure de ſa dette, face venir ſon dettour deuant le Maior de Londres, ou deuant |auter| chiefe gardeine de cel citie, ou dauter bon ville, ou le roy ordeigner & deuāt le Maior ou chiefe gardeiñ, ou auter probe home, a ceo eſlue et iurre, quaunt le Maior ou chiefe gardeine ne poient a ceo entender, & deuant vn des clerkes q̄ le roye a ceo aſſignera, quant ambideux ne poient a ceo entendō, conus la det & le iour de la paiment, & ſoit le recogniſās enroll̄ de la main dune des auantdit clerkes que ſerra conus,

et

et le rolle serra double, dont lune demurge vers le Maioz ou chiefe gardeine, & lauter vers le clerke, que a ceo serra prumes nosm̃, Et ouster ceo vn des auantdits clerkes de sa maine face lescript del oblig. a que escript̃ soit mise le seal de dettour, ouc le seale le roy que a ceo est paruieu: le quel seale serra de deux pieces, dont la greinder piece demurra en la gard̃ le Maioz ou le chiefe gardeine, & lauter piece en la main le auauntdit clerke. Et si le dettour ne rendza la dette au iour q̃ a luy est assesse, cy veigne le marchaunt au Maioz et clerke ouc sa letter del oblig. Et si troue soit per rolle, ou per letter, que la dette fuit conus, & le iour |de paiment| assis, soit passe, cy face le Maire ou chiefe gardein pr̃der le corps le dettour (si soit lay) q̃l heure quel soit trouc deins lour power, & liuerer al prison̄ de la ville, si prison y soit, & la demurg a ses costages propres, iesques a tant quel eit fait gree de la dette. Et comaund̃ est q̃ la gardeine de la prison de la ville, le resceiue per le liuere del Maioz ou le chiefe gardein. Et si ne luy voill resceiuer, cy respoign̄ mait̃enant le gardeine de la prison de le dette, si ad de quoy. Et si nad de quoy, respoign̄ celuy que la prison luy baill a garder. Et si le dettour ne puit estre troue en le power le Maioz ou le chiefe gardein, donqz mande le Maioz ou chiefe gardeine desoutize le seal del roy auantdit al Chaunc. la reconus. fait de la dette. Et le Chaunc. enuoiera brieue al vicount en que bailie le dettour serra troue,

que il preigne son corps, sil soit laye, et en safe prison luy gard̄, iesques a taunt quel ad fait gree de la dette. Et de deins vn quarter del an aprez ceo que il serra prise eit ses chateux et ses terres deliueres, issint que p les soiens puisse leuer et paier la dette. Et bien luy list deins cel quarter del an, terres & tenementes vendre pur ses dettes acquiter, et sa vende serra ferme & establye. Et sil ne face gree deins le quarter, apres le quarter passe soient liueres al merchant toutes les biens del dettour, & toutz ces terrez per reasonable extent, a tener iesque a taunt que le dette serra leue pleinment. Et la le puis tard̄ le corps demurge en prison, come deuant est dit. Et le merchant luy troua paine & esue. Et eit le merchant en ceux tenementes liueres a luy, ou son assigne tiel seisine quel puisse porter briefe de nouel disseisine, sil soyt engette, et redisseisine auxy come de frākte-nement, a teñ a luy & a ces assignes tanqz la dette soit paye. Et apres la dette leue & pay soit le corps le dettour deliuer̄, oue sa terre. Et en les briefes que le Chaunc. enuoyera soit menciō fait, que le visc̄ certifia les iustices de lune banke ou de lauter, coment il auer̄ perfourme le commaundm̄t le roy a vn certeine iour: a q̄l iour le merchant, si sō gree ne soit fait, sua deuant les Justices. Et si l's visc̄ ne retorñ nul brief, ou retorñ que le br̄e viēt trope tard̄, ou quilz ont maūdes as bailifes des fraunchises, si facent les Justices solonqz ceo que est contenue en le darreyne

esta=

estatute de Westminst|ca.39. Et si p case l' vicont maund que le dettour nest pas troue ou soit clerke, cy eit le merchāt bres a touts les visconts ou il auera terre, quilz luy liueront touts les chateux, & touts lez tenemēts le dettour per reasonable extent, a ten a luy et a ses assignes en la fourme que est auaūt dit. Et ialemeins eit briefe a quel viscont q̄ il voudra de prender son corps sil soit laye, et a tener de sa fourme auantdit. Et byen soy garde le gardeine del prison, que luy couiendra responder del corps, ou de la dette. Et apres ceo que les terres le dettour sont liueres al merchant, bien purra le dettour sa terre vendre, issint que le merchant neit damages de les approuemēts. Et salues soient touts iours al merchantes, damages, et toutz costages necessariez & reasonables en trauailes, suites, delaies, et dispenses. Et si le dettour troua pledges que se conust estre principals dettours, apres le iour passe soit fait de les pledges en touts choses com̄ deuaūt est dit de le principall dettour quant a corps prendre, et terres liuerer, et auters choses. Et quant lez terrez lez dettourz soient liueres au merchantz: il eit seisin d̄ toutz terres queux fuerunt en la maine le dettour le iour de la reconusance fait, en que maines que ils serront apres deuenus, ou per feoffemēt, ou per auter maner. Et apres la det paie les t̄res & lissues des terrez d̄s dettorz per feoffement, retournent auxibien arrer̄ al feoffæ, come les auters terres as dettours.

Et si le dettour, ou les pledges mourge neit le marchant power de prender le corps del heire, mes eit ses terres, come auaūt est dit, si il est dage, ou quant il serra de pleine age: iesque a taunt quil ad leue des terres le a-mountance de le det. Et soit purueu vn auter seale q̄ seruera a faires. Et icel seale serra enuoy a chescun faire de south le seale le Roy, per vn clerke iure ou per le gardeine de la faire. Et per le comminalty des merchantes de la Citie de Lond̄res, soient eslieux deux loialx merchantes, queux facent le serement, & deuaūt eux soit le seale ouert, et lun piece soit baile a les auauntdites merchantes, & lauter demourge verz le clerke, & deuaunt eux, ou de lun des merchantes, si ambideux ne poient attend̄, soient lez conusances faites, sicome deuaunt est dit. Et auaunt ceo que le reconusance soit enroll', soit la peine del auauntdit estatute appiertment lie deuaunt le dettour: issint quil ne puisse auterfoits dire, que vn luy mist a auter pein̄ que a cel a que il soy oblig. Et a sustein̄ les costages de lauaūtdit clerke, si prēdra le roy de chescun li. i. d̄. en chescun bill' ou le seale serra mis, forspris faires, ou il prēdra trois mailles de | chescun | li. Cest ordeinement et establishment voit le roy, que desormes soit tenus per tout son roialme Dengleterre et Direland entre q̄ls gēts que ceo soit que de lour eigñ degree, celz reconus. voudrōt faire forspris Jewes, as q̄ux cest establishment ne se extient. Et per cest statute & establish-

ments

ment ne soit bre de det abatus. Et ne soit le chaūcell', barons del eschequer, Justices de lun & de lauk banke, ne iustic errāts forclos de prend reconus. des detz deuaūt eux faites et conus, mes les executions de reconus. deuaūt eux faitz ne soient paz faitz per la form auaūtdit, mez per la ley & lusage auaūt vsez & puruieux aillours en auk estatutz | vz. W. 2. ca. 45. | bre fūdak sup statutum predick.

¶ Rex vic salut. Quia coram tali maiore, vel custode talis ville, vel coram custode sigilli nostri de mercatoribus in nundinis de tali loco & tali clerico nro recognouit A. se debere B. tank, quod soluisse debuit tali die et tali anno, quod idem B. nōdum soluit, vt dicit. Tibi pcipimus, quod corpus predicti A. si laicus sit capias, et in psona nra saluo custodir facias, quousqz predicto B. de pred debito plenarie fuerit satisfack. Et qualiter hoc preceptum nostrum fueris execut, scire facias Justic nostris apud westm &c. p litteras tuas sigillatas. Et habeas ibi hoc breue Teste.

&c.

¶ Statut' de VVestm̄ 3. edit'. An. xviij. E. j.

¶ Tenure. 4.

Quia emptores terrarū & tenementorum de feodis magnatum & aliorū dominorū, in preiudicium eorundem, temporibus retroactis multociens: in feodis suis sunt in gr̄i, quibus liber̄ tenentes eorund̄ magnatiū & aliorū terras et tenementa sua vendiderunt, tenend̄ in feod̄ sibi et heredibus suis de feoffatoribus | et heredibus | suis & non de capitalibus dominis feodorum, per quod ijdem capitales domini eschaetas, maritagia, et custodias terrarum et tenementorū de feodis suis existentium sepius amiserūt, quod quidem eisdem magnatibus et alijs dn̄is quam plurimum durum et difficile videbat̄, & | sic | in hoc casu exheredatio manifesta. Domin⁹ rex in parliamento suo apud Westm̄ post Pasch. An̄ regni sui xviij. videlicet in quīdena sc̄ti Joh. Bap. ad instantiam magnatum regni sui concessit, prouidit, & statuit quod de ceter̄ liceat vnicuique libero hoī terras suas, seu tenementa sua, seu partem inde ad voluntatem suam vendere, ita tamen quod feoffatus teneat terram illam, seu ten̄ illud de capitali domino feodi illius per eadem seruitia & cōsuetudines, per que feoffator suus illa prius

de

|de eo|tenuit.

¶ Et si partem aliquam earundum terrarum, seu tenementorū alicui vendiderit, feoffatus |ille partem| illam teneat immediate d̄ capital' domino, ⁊ oñet statim de seruicijs quantum pertineat siue pertinere dz eidem capitali domino pro particula illa, secundū quantitatem terre seu teñ sic venditi. Et sic in hoc casu decidat |eidem| capitali domino ipsa pars seruitij per man⁹ feoffati capiend̄ ex quo feoffatus |debet| eidem capital' domino iuxta quantitatem terr̄ seu teñ venditi d̄ particula illius seruitij sic debiti esse intendens ⁊ respondens. Et sciendum est quod per p̄dictas venditiones, seu emptiones terrarum, seu teñ, aut ꝑtis alicuius earundem, nullo mod̄ pñt terre seu teñ illa in parte vel in toto ad manum mortuam deuenire, arte vel ingenio contra formam statuti super hoc dudum editi |7. E. 1. de Religiosis.| Et sciendum est quod istud statut̄ tenet locum de terris |seu teñtis| venditis tenend̄ in feodo simplici tantum. Et quod se extendit ad tempus futurum. Et incipiet locum tenere ad festum sancti Andree apl'i proximo futur̄. Añ regni regis E. filij regis H. xviij.

¶ Explicit statut̄ Westm̄. iij.

Modus

¶ Modus leuandi fines ædit̄ Añ.18.E.primj.

¶ Fines.3.

Quant le bre original soit lie en p̄sence des pties deuāt Justicez, dōq̄s dirra vn coūt̄ issint. Sir iustice, counge daccord, Le iustic̄ luy dirr̄ que dirra. Sir Robert, & nosm̄a vn des pties. Dōq̄ qn̄t ilz serront agree de la summe del pecune q̄ est done al roy donques dira le iustic̄ Criez la peace. Et puis dira le count̄, issint q̄ la peace est tiel, a vous conge, q̄ Willim̄ & Alice sa fem̄, q̄ cy sont recognisont le maner de B. oue les appurtenances contenus en le bre, estre droit du R. cōe cel que il ad de lour done, a auer & tener a luy & a ses heires, de W. et Alice, et les heires A. come en demesne, rents, seigniouries, courts plees, purchases, gard̄ mariages, reliefes, eschetes, molins, aduowsōz d̄ esglises, & toutz auters fraūchises, & franke customes al auantdits mañ appertenant, rendant per an a N. & a ses heires chiefes seigniors de fee, seruice due, & custōes pur touts seruic̄. Et fait assauoir que order de ley ne suffre mye, que final accorde soit leue en la court le roy

sans

sans briefe original, et ceo a tout le meins deuant iiij. Justices en banke, ou en cyre, et non pas aillours, et en presence des parties nosmes en briefe, queux soyent de pleine age et de bone memorie, et hors de prison. Et si feme couert de baron soit vn des parties, dõques couient que el soit primerment confesse de iiij. Justices auauntditz. Et si el nassent al fine, ne ceo liuera mie. Et la cause pur que tiel solempnitie doit estre fait en cel fine est, pur ceo que fine est cy haute barre, et de cy graunde force, et de cy puissant nature en soy, que el forclos nemy solemẽt ceux queux sont parties et priues a la fine, et lour heyres mes toutes auters gents du monde, q̃ux sont de pleiñ age, hors de prison, et de bon memorie, et deins les iiij. meres, le iour del fine leue, sils ne mettront lour claime de lour action pur le pais deins lan et le iour. | vide placito fo. 354. |

¶ Stat' de vocat. ad warr' edit' Añ. xx. E. i.

¶ Voucher. 5.

CAm tenēs implacitat⁹ in placito terre tēpoꝛibus retroactis vocauerit aliquē ad warrant, & petens sup̄ hoc verificare voluerit / quod nec vocatus, nec aliquis antecessoꝛū suoꝛū a tēpoꝛe seisine / antecessoꝛis / ipsius petentis fuerit in seisina de ten̄ predictis, nec in dominico nec in seruitio, sed si ille vocatus ad warrant fuerit p̄sens et gratis tenenti warrātizare voluerit, p̄dicta verificatio petentis admitti non consueuit, nisi vocatus absens fuerit, et hoc ratione cuiusdam statuti domini regis nunc editi inter cetera statuta / sua p̄m̄ Westm̄. capit 39. / p̄opter quod dn̄s rex animaduertens fraudem, deceptionem, et maliciam, et etiam damnum suum, & exheredationem coꝛone sue q̄d in casu predicto in cur. sua multotiēs posset interuenire, et isto die interuenerit: Cum quidam ten̄ de ipso rege in capite per baroniam integram in quodam placito pendente coꝛam iustic. de banco vocauerint ad warrāt de demanda particulariter quosdam gartiones, ignot, et extraneos, quos p̄sentes duxerint, & quoꝛū antecessoꝛes aut ipsimet nunquam in ten̄ que warrantizauerint, aliquid habuerunt, aut in aliquibus terris aut ten̄ alijs in regno suo, neq; in dominico neq; in seruitio (put a diuersis dn̄i regis fidelib⁹ testabatur)

batur) vt p cautelam illam, fraudem, et malitiam ipſi p baroniam tenẽtes auferre poſſent dño regi miſericordiam ſuam, in quã incederint, ſi petens verſus eos demandam ſuã recuperaret. Et ſimiliter cũm gartiones warrantizauerint, vñ quilibet de portione quam warrantizare debet, in caſu vbi duellũ iacet poſſit ſe defendere per corpus ſeruientis ſui prouiſi, a conducti per ipſos baroniam tenẽtes. Et ſic ſuper vno breui, et vna demaunda iam fuerunt duo vel tria duella vadiata, qđ durum eſt, et exemplum pernicioſum tempore futuro pro pauperibus petentibus verius magnates et diuites, qui ſe per malicią predictam defendere voluerint, nec petens contra dictos warrantos, quando vocat fuerint verificationem ſuam in forma predicta habere poſſit, eo quod ipſi vocat preſentes fuerint et gratis warrantizauerint, dominus rex de conſilio ſuo cõmuni, ſtatuit & firmiter de cetero, videlicet a feſto ſancti Hillarij, anñ regni ſui xx. precepit obſeruari, quod quicunque tenens aliquem vocauerit ad warrant, & petens in forma predicta verificare voluerit, admittat eius verificatio, ſiue vocatus fuerit abſens, ſiue ꝑſens nullo habito reſpectu ad ei⁹ preſentiam vel abſentiam.

Finis.

Stat.

¶ Stat̄ de defensione iur̄. edit̄, Anno. xx. E. j.

¶ Receipte. 2.

Am quis aliquod breue domini regis impetret versus tenent̄ p legem Anglie, vel feodū talliatum, vel sub nomine dotis, vel alio modo, ad terminum vite, vl̄ annorum, & petens tantum fuerit prosecutus, quod t̄n sunt quasi admittend̄ | & sibi adiudicanda | & super hoc venerit alius ante iudicium redditum a latere, dicēs se habere feod̄, et ius in ten̄ illis, et cū̄ supplicauerit, quod ex quo ante iudicium venerit ten̄ sua defendere, et parat̄ inde petenti respondere, ad hoc admittatur, ratione cuiusdam statuti domini regis nunc inter cetera vltima statut̄ West̄m edit̄ | 5. Ed. 2. ca. 3. per quod statut̄ tam nullum ius habentes, quam illi qui ius habent multociens in casu predicto falso & in deceptionem curie superuenerint, & petierunt se admitti respons̄ū̄, vt per admissionem suam possent petentem elongare de iudicio, et seisina d̄d̄e sue habende, et ad faciendum eosdem petentes de nouo placitare, et sic petentes in casu predicto in cur̄ regis sepius elongantur a iure suo, per malitiā supradictam, tam de falsitate de predicto statuto superueniente, quam ex iusta causa rationabili, et hoc coram iustic. multociēs cōtingit et inuenitur, propter quod dominus rex, ad ma-

maliciam predictam in predicto casu destruendō, remedium volens apponere, in pleno parliamētō suo ex cōmuni consilio suo statuit, et firmiter de cetero, voz a die lune primo post festum Purificationis beate Marie virginis, anno regni sui. xx. precepit obseruari, qđ cum aliquis a latere ante iudicium in casu p̄dicto superuenerit, et petierit se admitti, antequam admittatur inueniet sufficientem securitatem prout cuī visum fuerit, ad respondendō petenti de valoze exituum teñ sic amittendozum a die quo recipitur responsuī, vsqz ad diem quo iudicium finale fiet super petitionem petentis. Et si ille petēs demaīdam suam recuperet, grauiter amercietur defendens, si habeat vnde. Et si non habeat vnde, committatur gaole, ad voluntatem regis. Et si verificare poterit ius suum esse tale, quale illud asserit, quando petit ipsum admitti, tunc sit quietus.

¶ Explicit.

¶ Stat' de finibus leuatis, edit' Anno. xxvij. E. i.

¶ Fyne. I. cap. I.

QUia fines in curia nostra leuat finem litibus debēt imponere, & imponūt, et ideo fines vocant, maxime | cum | post duellum & magnam

assisam in suo casu vltimum locum finalem teneant in perpetuum, iamque per aliquod tempus preteritum, tam tempore clare memorie domini Henrici regis patris nostri, quam nostro, partes eorundem finium & earum partium heredes (contra leges & cõsuetudines regni nostri antiq̃tus vsitatas) super huiusmodi finibus adnullandis & euacuandis admittebant proponent quod ante finem leuatum, et tempore leuationis eiusdẽ et postea petentes, seu querentes, aut eorum antecessores de tenementis in finibus contẽtis, aut de aliqua parte eorundem, semper fuerunt seisit, et sic fines huiusmodi rite leuat per iuratores patrie falso subornatos, & maliciose procuratos, multotiens euacuabãtur et adnullabantur minus iuste, Nos volẽtes super premissis remedium adhibere, in parliamento nostro ad westm̃ statuimus, quod dicte exceptiones, seu responsiones, vel inquisitiones patrie: super huiusmodi exceptionibus seu responsionibus nullo modo cõtra huiusmodi recognitiones et fines de cetero admittantur. Et nos vero volumus, quod statut istud tam locum habeat ad fines prius leuatoz, quam in posterum leuandos. Et videant iustic. quod note, et fines in curia nostra in posterum leuandi, publice et solemniter legantur, et quod placita interim cessent omnino, et hoc fiat per duos dies in septimana, secundum discretionem iustic̃.

¶Shiriffes

¶ Item ordinauimus de consilio nostro, quod vic̄ de cetero non onerent de aliquib⁹ exit̄ leuand̄, nec aliquos leuent, antequā exeant de scaccario per extractas iustic̄ ibidem liberandas. Et quod in extractis iustic̄ singula capita onerent de exit̄ suis forisfactis sicut & de amerciamentis. Et si forsan aliquis vic̄ responderit de exitibus alicui⁹ recognitoris, vel plegij, seu manucaptores per ipsum oppositi, et in curia nostra retornati qui ad solutionem eorundem exituum seu amerciamentorum tempore retorni non sufficiat, idem vic̄ ad scaccarium nostrum inde oneretur et respondeat. Et caueant sibi vic̄ sub graui forisfactura quod de cetero faciāt singulis tallias de denarijs quibuscūq; per preceptum nostrum per ipsos vicecomites & subditos suos receptis. Et quod non retornent alicubi nomina manucaptorum, iuratorum, seu aliorum, nisi ipsi manucaptores, iuratores, seu alij, secundum tenorem breuium nostrum vic̄ inde directorum, ad hoc legaliter et manifeste ponantur. Nec retornent aliqua nomina plegiorum liberorum hominum nisi ipsi manifeste se plegios consenserint. Et super hoc statuimus, quod quolibet anno semel in anno mittantur vnus baro, et vnus clericus de dicto scaccario nostro per singulos com̄ Angl', ad imbreuiand̄ nomina omnium, qui anno illo debita per veridem ceram ab eis exacta soluerint. Et ijdē baro & clericus tallias illas

videant, & imbreuient, et audiant et terminent querelas super vic̃, et clericos suos, et balliuos contra premissa venient, et grauit̃ puniant transgressores.

3 ¶ Quia vic̃, et alij temporibus retroactis latrones notorios, et manifestos, & pro morte hominis, et aliis felonijs capt̃ & imp̃sonat̃, et q̃ non sũt replegiabiles, p pleuiñ dimiserint, contra formam statuti nr̃i apud Westm̃ editi de his qui sunt replegiabiles, et qui non | s̃. W. 1. ca. 15. | per quod ipsi malefactores irreplegiabiles sunt replegiati, ad quorum deliberationem falso faciend̃, iuratores patrie p se & amicos suos, ante aduẽtum iustic̃ itinerantium, aut aliorum ad eorum deliberationem assignat̃, procurant et suborñant, alijsque minant̃, propter quod tã propter metum vic̃, et aliorum per talẽ pleuinam illos dimittentium, quam timorem eorundem latronum seu felonum sic deliberat̃, coram iustic̃ ad gaolas diliberãd̃ assigñ huiusmodi latrocinia & homicidia suffocant̃, & ipsa sic concellata penitus remanẽt impunita: ¶ Nos p vtilitate regni nr̃i, & pace nr̃a firmius obseruanda, statuim⁹ & ordinauim⁹ q̃d̃ iustic̃ ad assisas capiend̃ assignat̃, in singul' com̃, vbi capiũt assisas, put ordinat̃ est, statim post assisas captas in eisdem com̃, remaneant ambo si laici fuerint. Et si vn⁹ ip̃orũ clericus fuerit, tũc associato illi iustic. qui laicus est, vno de discretioribꝰ militibꝰ com̃ illius per breue nostrum deliberẽt gaolas in com̃ illis tam infra libertatẽ q̃ extra de prisona-

sonarijs q̃buscunq̃, secundum formam deliberationis gaole com̃ illorum hacten⁹ vsitatã. Et ijdem iustic. tunc inquirant q̃ vic. & alij, prisonarios irreplegiabiles per pleuinã dimiserunt, vel in aliquo cõtra formã statut̃ predicti nuper apud westm̃ edit̃ deliq̃rint: & quos culpabiles inde inueherint | ipsos | in omnibus secundum formam statut̃ predicti puniant et castigent. | 28. E. 1. de appellat̃.

¶ Nisi prius. Cap. 4.

¶ Item cum statuerimus, qd̃ nullus ponat̃ alicubi extra com̃ in recognitionib⁹, inquisitionibus, et iuratis aliq̃bus, qui minus q̃ C. s. terr̃, vel reddit̃ habeat, p̱ q̱ tam ipsi q̃ plus terre habentes propter frequent̃, tã ad scr̃m nostrum q̃ coram iustic. nostris de vtroq̃ banco summonitiones, depauperentur | 21. E. 1. de ponẽdis in assisis & iuratis | Nos tant̃ intolerabilẽ populi nostri iacturam aduertentes, non solum ad eorund̃ iuratorum exonerationem, sed etiam ad celerẽ partibus in curia nostra placitãtibus iustitiam exhibend̃, statuimus et ordinauimus, quod inquisitiones et recognitiones coram iustic. de vtroque banco de cetero adiudicande capiantur tempore vacationis coram aliquo iustic. earundem, coram quibus placitũ deductũ fuerit, associato sibi vno milite com̃ illius, vbi tales inquisitiões emerserint, nisi fuerit inquisitio, magna indigens examinatione. Et sic in huiusmodi inq̃sitionibus capiendis de cetero fiat prout iustic. ad vtilitat̃ regni nostri potius esse viderint faciẽd̃,

non obſtante ſtatuto nuper apud weſtm̃. | 2. cap. 30 | ſuper huiuſmodi inq̃ſitionibus capiendi edit̃, continent quod ſi omiſſa ſozma in ſtatuto illo ozdinat aliqui inquiſitiones capiantur, pzo nullis penitus habeantur. Dat apud Weſtm̃ ſecundo die Apzilis. Anñ regñ noſtri. xxbij. | 12. E. 2. capit. 3. De ſtatuto Ebozacenſ.

¶ Explicit ſtatut de finibus leuatis.

¶ Articuli ſuper Chartas, edit Anno. xxviij. E. j.

PAr ceo que les pointes de la graunt̃ Charter, des fraunchiſ. & de la fozeſt les queux le roy Henrye pier noſtre ſeignour le roy que oze eſt, graunta a ſõ people pur le pziuie de ſon roialm̃, ne ont pas eſte tenus, ne gardes auaũt ces heures, pur ceo que auaũt ces heures peine ne fuit eſtablie vers les treſpaſſants countre les pointes des Charters auaunt ditez. Noſtre ſeignioz le roy les ad de nouel grãt renouel et confirme. Et a la requeſtes des pzelates, countes, & barons a ſon parliam̃t a weſtminſter, en quareſme, lan de ſon reigñ xxbij. ad certaines points affirm̃, & pein̄ ozdeigne, et eſtable encounter touts iceux, que encounter les pountes des auaunt ditz charters

ters ou nul poynt de eux, en nul mañ vyendrōt, ou misprēdrēnt, en la fourm̄ q̄ sēsuit.

¶ Confirmation. 2.

¶ Cestascauoire que de cy en auaunt la graund charter des fraunchises Dengletre, grant a tout la commune Dengleterre, & la charter de la forest en mesme le maner grāt, soyent tenus, gardes, & maintenus en chescune article, & chescune point, auxi pleynment come le roy les ad graunt, renouele, & par sa charter confirme. Et que cels charters soient baillez a chescune viscount Dēgleterre desoubes le seale le roy, a lier quater foitez par an deuant le people en playne countie: cestascauoir au procheine countie apres la saint Michell, au procheine coūtie apres le noel, au procheine countie apres la Vasque, & au procheine countie apres la saint John Baptist. Et a ceux deux charters en chescune point, et en chescune article dicel, firmement tenir, & garder ou remedye ne fuit auant par la common ley, soient eslieus en chescune countie per la cōmen de mesme la countye troys prodes homes chiualerz ou auterz loialx, sages, & auises, que soient iurez et assignez per les letters le roy oūts de son grande seale, de oyer et terminer, sans auter briefe que lour commen grant. les pleintez que se ferront de toutez iceux, que contreuiendront ou mesprendront en nul dez ditz pointez des auauntditz charterz en countiez ou ilz sōt assignes, auxibien dedeins franchises, come dehorz, &

auxibien des miniſters le roye, hoꝛs de lour places, come des auters, & les pleintes oyer de iour en iour ſauns delay: & les terminent ſans allower les delaies, q̃ ſõt allowes per la comen ley. Et que meſme ceux chiualers, eyent poier de punir touts ceux que ſerront atteints de treſpas fait encounter nul poynt des chartres auauntdits, ou remedy ne fuit auant per la comen ley, auxi come auaunt eſt dit, par impꝛiſonment, ou par raunſom, ou p amerciament, ſolonque ceo que le treſpas le demand̃. Et per ceo nentend̃ pas le roy, ne nul des ſoiens que a ceſt oꝛdeignement fue= rent, que les chiualers auantdits, teignent nul plee par le poẅer que done lour ſoit, en cas ou auant ces heures fuit remedy purueu ſolonqꝫ la comen ley par bꝛiefe: Ne q̃ pꝛeiu= dice ſoit fait a la comen ley, ne a les charters auantdits, en nul de lour points. Et voet le roy, q̃ ſi touts trois ne ſoient pꝛeſentes, ou ne puꝛront a touts les foits attendꝛe, a faire lour office en la foꝛme auantdit, q̃ deux des trois le facent. Et oꝛdeigñ eſt, q̃ les biſcõts & les baillifs le Roy ſoient attendãtes a les cõmandemẽts des auantdits Juſtices, en quãt q̃ appẽt a lour office. Et ouſtr̃ ces cho= ſes grãtes ſur les points des charts auãt= dits, le roy de ſa grace eſpecial, en allegeance des greuances, que ſon people ad eẅ par les guerres que ont eſte, et en amendement de lour eſtate, & pur tant q̃ ils ſoient plus pꝛeſ= tes a ſon ſeruice, & plus volũtiers aidants, q̃nt il en auer̃ a faire, ad grant aſcũs articlez

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les queux il entend̄ que tyendzont auxi byen lieu a ſon people, et auxi graunde p̄ofite ſerront, ou plus, que les pointes auante grantes.

¶ Purueiours.4.& 5. Cap.2.

¶ En p̄imes pur ceo que vn grād̄ greuāc. eſt en ceſt roialme,et dam̄ ſans number, de ceo que le roy et ces miniſters de ſa roialm̄, auxibien les aliens come les denizens, font lour p̄iſes par la ou ils paſſēt par my l'roialme,& parnent les biens des gēts, des cleres,& des lais,ſans rien paier,ou bn̄ meins que la value. Ordeine eſt,que de cy en auāt nul ne p̄eign̄ p̄iſes par mie le roialm̄,forſq̄ les parnours le roy, et les purueiours pur loſtell' le roy. Et q̄ les p̄nours le roy,& purueiours pur ſon hoſtell ne p̄eignent ryens, forſqz pur melm̄ lhoſtell'. Et des p̄iſes que ils ſerroūt per mie le pais de manger ou de boire, & des auters menus neceſſaries pur loſtell',que ils facent la paie ou gree a ceux, des queux les choſes ſerront p̄iſes. Et que toutes ceux parnours le roye, purueyoures, ou achatours,eyent de cy en auant lour garrantie oueſque eux du graunde ſeale ou vn petite ſeale le roy,conteignant lour poiar, & les choſes dont les ſerrōt p̄iſes, ou purueiance,le quel garrant ils mōſtrent a ceux des queux ils ſerront la p̄iſe auant, ceo que ils emp̄eignēt rien. Et que ceux parnourz purueyours,ou achatours le roye, ne p̄eignent plus que beſoigne,& meſtre ne ſoit pur l'roy et ſon hoſtell',et de ces enfants. Et que riēs

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ne preignent pur ceux que ſont as gages, ne pur nul auter. Et que ils reſpoignent ē loſtell, ou en la gardrobe pleinment de toutes lour priſes, ſans faire lour largeiſes aillors, ou liueries des choſes, que pur le roy ſerrōt priſes. Et ſi nul parnour del hoſtel le roy, p garrantie que il eit, face priſes, ou liueres en auē maner, que deſuis neit dit, per plaīt fait al ſeneſchall, & au treaſorer del hoſtel le roy, ſoit la veritie inqſe. Et ſi de ceo ſoit attaint ſoit gree maintenant fait al plaintife, & ſoyt oukte de ſeruice le roy pur toutes iours, & demurge en priſon a la volunte le roy. Et ſi nul face prices ſans garranty, & les emport encounter la volunte de celuy, a que les biēs ſont, ſoit maintenant arreſt par la ville, ou le priſe ſerra fait, & ameſn̄ a la pchein gaole. Et ſi de ceo ſoit attaint, ſoit la fait ō luy, cōe de laron, ſi la quantitie des biens le demād. Et quant as priſes faire en fairez, & en bōs villes, & en portes pur la graūde gardrobe le roy, eient les parnours lour commē garrant par le grand ſeale. Et des choſes que ils prendront, eient la teſmoign̄ du ſeale du gardein de la garderobe. Et des choſes iſſint p eux priſes, de nombre, de quantitie, et de value ſoit fait diuidend̄ entre les parnourz & les gardeins des fairez, maiors, ou chiefez baillies des villes, & portes par le vieu de merchantes des queux les biens ſerront iſſint priſes. Et riens ne luy ſoit ſuffer de p̄ndre, que il ne mette en diuidende. Et cel diuidende ſoit port en gardrobe ſoubes le ſeale

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le gardeine, maioꝛ, ou chiefe baillife auãdits & la demurge tanqz ſur laccompt du garderobe le roy. Et ſil ſoit troue q̃ nul eit autrement pꝛiſe que faire ne deueroit, ſoit puny ſur laccompt par le gardeyne de le gardꝛobe le roy, ſolonqz ſa deſerte. Et ſi nul face tyelx pꝛiſes ſãs garrante, et ſur ceo ſoit attaynt, ſoyt fait de luy come de ceux que ſont pꝛiſes pur ioſtell' le roy ſans garr̃, come deſuis eſt dyt. Et nentende nye le roye, ne ſon counſaile, que par ceſt ſtatut rien decreſſe au roy de ſon dꝛoyt des auncient pꝛiſes dues et accuſtomes, come des bines, et autres biens: meſque en toutes pointes pleynmẽt luy ſoit laue.

¶ Marſhalſie. I Cap. 3.

¶ Des eſtates des ſeneſchalx, & des marchalx, & des plees que eux deuoient tenir, et comẽt, oꝛdeine eſt qz deſoꝛmes ne teigñ plee de franktenement ne de dette, ne de couenant, ne de cõtract des gẽts de people, ſoꝛſqz tant ſolement de trãs del hoſtell', & dautres treſpaſſez fait dedeis la berge, & ẽs cõtractz et couenantes, que aſcune del hoſtell le roy auera fait a auter de meſme ioſtell, et en m̃ le hoſtelle & nemy aillours. Et nul plee de treſpas ne pledꝛont, auter que ne ſoit attach par eux, auant ceo que le roy iſſera hoꝛs de la berge ou la treſpas ſerra fait. Et les pledeꝛ haſtiuement de iour en iour, iſſint qz ils ſoient p̃ pledes & termynes auant ceo que le roy iſſeꝛ hoꝛs des bondes de cel berge, ou le treſpas fuit fait. Et ſi per cas de deinz les

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bondes de cel berge ne poient eſtre termiñ, ceſſent tielx pleez deuant le ſeneſchall', & ſoiēt les plees a la comē ley. Ne deſormes ne pig ne le ſeneſchall' conuſāces des detz, ne dauter choſe, forſque dez genē del hoſtell' auantdit, ne nul auter plee ne tiendē par obligac̄ fayt a le diſtreſſe le ſeneſchall', ou le mareſchall'. Et ſi lez ſeneſchal, ou lz mareſchalz riē facent encounter ceſt ordinance ſoit lour fait tenus pur nul. Et pur ceo que auāt cez heures mults ds felonicz faits dedeinz la berge oūt eſte depunis, pur ceo que lez corōnerz de pais ne ſe ount pas entre mis denquerer dez tielx maners des felonies dedeines la berge mes le corōner del hoſtel le roy, q̄ eſt paſſāt de quoy iſſue nad mie eſte fait en du maner, ne lez felons miſe en exigent, ne dtlages, ne rien de ceo preſent en eire, que ad eſte a grād damage du roy, & a meins bone gard de ſa peace: Ordeine eſt que deſormes en caſe de mort de home, ou office de corōner appēt as diēws, & enqueſts de ceo faire, ſoit maunde al corōner del paiz que enſemblement oue le corōner, del hoſtel le roy face loffice que appent, et le mettre enroll'. Et ceo que ne purra mie deuant le ſeneſchal eſtre termine, pur ceo que les felonz ne purront eſtre attaches, ou par auter encheaſon, demurge a la commen ley, iſſint q̄ les exigentes, dtlagaries, & preſentmentes en eyre ſoient de ceo faytes par le corōner du pays, auxi come des auters felonies faytes hors de la berge. Mes pur ceo ne ſoyte leſſe, que les attachements

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ne ſoyent faytes freſhement ſur les felonies faytes.

¶ Comen ꝑlees. 2. cap. 4.

¶ Ouſter ceo nul cõen plee ne ſoit deſoꝛmes ten⁹ a leſchequer, encoũt la foꝛm̃ de la graund charter. |ca. 11.|

¶ Chauncery. 1. cap. 5.

¶ Et dauter part le roy voet q̃ le Chaũcellour et les Juſtices de ſon banke luy ſuuent iſſynt que il eyt toutes iours ꝑes de luy aſcune ſages de la ley, que ſachent les beſoignes, que beignent a la court duement deliuerer a toutes les foites que meſtier ſerra.

¶ Seale. 1. cap. 6.

¶ Deſouth le petit ſeal', ne iſſeõ deſoꝛmes nul bẽ q̃ touche comen ley.

7 ¶ Le Conſtable du chaſtel de Douer ne plede deſoꝛmes a la poꝛt de chaſtel nul plee foꝛein du counte, que ne touche la garde du chaſtel. Et le dit conſtable ne diſtregñ les gents duc cinque poꝛtes a pleder aillourz ne en auter maner q̃ ils deuoient, ſolõqz la foꝛm̃ des charters que ils ount des roys, de lour franchiſes auncients affirmes par la grand charter. |cap. 4.|

¶ Sheryffes. 3. cap. 8.

¶ Le roy ad graunt a ſon people, q̃ ils eient election de lour biſcount, en cheſcũ coũtie ou biſcount neſt mie de fee, ſils veilent. |poſt. cap. 13.|

¶ Iurrours. 4. cap. 9.

¶ Le roye voet, et commaunde, que nul biſcount

biscount, ne bailt ne mette en enquests, ne ne iuries plus des gents, ne auters ne en auter maner que il nest ordeine par estatute, et que ils mittent en tiels enquests, & iuries le plus procheines le plus suffisants, et meines suspicious. Et que auterment le fra, et de ceo soit attaint, rend au plaītife sez dam̄ au double, et soit en la greue mercy le roy. |w.2.capit.38.|

¶Conspiracy.2. cap.10.

¶En droit des conspiratours, faux enformours, & malueis procurours des douseines, enq̄sts, assises, & iures, le roy ad ordiene remedy as plaintifes par briefe de Chauncellarie. |33.E.1.de conspiration. | Et iademaines voet le roy, que les Justices de lune bank & de lauter, & iustic. dassises prend assignes, quant ils veignent en pais a faire lour office, de ceo facent lour enq̄sts a chescū pleint sans briefe, & sans delay facent droyt as pleintifes.

¶Champertie 3. cap.11.

¶De rechefe pur ceo q̄ le roy auoit auāt ordeigne par estatute| w.2.cap.49. |que nul de ses ministers ne prist nul plee a champertie, et par cel estatut auters ministers nestoient pas auant ses heures a ceo lies. Voet le roy, que nul minister, ne nul auter, pur part auoier des choses que sont en plee, enpreign̄ les besoignes qz sont en plee. Ne nul sur tiel couenant son droit ne lesse a auter. Et si nul le face, et de ceo soit attaint, soit forfait, & encurrue deuers le roy des biens, & des tres

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le parnour, a la value de tant come sa partie de lō purchase par tiel empzise amoūtera. Et a ceo atteindē soit resceu celuy, q̄ iuer voudē pur le roy deuant les iustices, deuant queux le plee aueē este, et par eux soit lagarde fait. Mes en ceo cas nest mie a entendē que hom ne poet auer counsaile des countours, & des sages gentes pur son donant, ne de ses pzo-cheine amies.

¶Del al roy.4. cap.12.

¶De rechefe voet le roy, que distresses q̄ sont a faire pur sa dette, ne soient faytes par bestes des charues, tanque come home poet auter trouer, solonqz ceo que est ozdeine ail-lours par estatute, ouc la paine &c. |51 H.3. de distrē scaccarij.| Et ne voet qz trope greue distres soit pzise pur sa dette ne trope loigne mesne. Et q̄ le dettour puisse trouer suffi-sant, et conuenable suertie, iesque a vn iour deynes le iour al vicount, de deynes le quel home puisse purchaser remedie a faire grce de la demaunde, soit la distres relesse ende-mentiers, et que autrem̄t le fra, soit greue-ment puny.

¶Shiriffes.4. cap.13.

¶Et pur ceo que le roy ad grant la elec-tion des viscounts a ceux dez countes |8.ante ca.8.| voet le roy q̄ ils eslient tiels vicontz, que ne les charge myes: et ne mettent nul mi-nistre en baillie pur louer, ne pur done. Et q̄ tiels ne se herbergent trope souent en vn li-eu, ne sur les powers ne sur les religious, |9.E.2.Lincolñ de vicecomitibus,|

¶Hundredes

¶Hundreds.1. Cap.14.

¶De rechefe voet le roy, que les baillies & les hund̄ du roy, ne les auters graūd sn̄rz de la terre, ne soyent lesses a trope graunde somme a ferme, par quoy le people soit greue ne charge per contribution faire a tyelx fermes.

¶Proces.1. cap.15.

¶En sommons, et en attachementes en plee de terre, desormes conteign̄ la sommons ou lattach. le term̄ dex v. iours a tout le meines, solonqz la comē ley: sil ne soit en attachm̄t des assises prend̄ en p̄sence le roy, ou des plæs deuāt iustic. en eyre durant le eire, |vide Marlebr̄. cap 12.

¶Retorne de vicont.4. cap.16.

¶Soit fait de ceux que font faux retornz des briefes al maundement le roy, par quoy droyture est delay, auxi come ordeyne est en le seconde estatute de Westminster |capit̄ 39| ouc la peine.

¶Proclamation.1. cap.17.

¶Et pur ceo que multz messfesours sont en la terre plus que ne solent, et robberies arsions, et homicides faits sans nomber, et la peace meines bien garde, pur ceo que lestatute, que le roy fist faire nadgares passes a Wynchester |Anno.13.E.1.| nad pas este tenue. Voet le roy qz cel estatute soit de nouel enuoy en chescune countie, & soit lie & publie. iiij. foits par an, auxi byen come les deux graund charters, & firmem̄t gardes en chescune poynt, sur les peynes que la eyns sont assises.

assises. Et a cest estatute garder, & maintener, soient charges les trois chiualiers, que sont assignes par mie les counties pur redresser les choses faites encoūter les grāds̄ charters, et de ceo eyent garrauntye ante. capit. 1.

¶ Wast. 8. Cap. 18.

¶ En droit des wastes & distructiōs faitz en gardes par eschetours, & subeschetours de measons, boys, parkes, viuers, & de tours autres choses, que eschient en la maine le roy. Mott le roy, que celuy que auer̄ le dam̄ resceu, eit briefe de wast en la Chaūcellarye vers leschetour de son fait, ou subeschetour de son fait, si eit de quoy respondr̄, & si nad de quoy, si respondr̄ son soueraigne par autiel peine, quaunt as damages, come darraine ordeine est par estatute sur ceux que fount waste en gardes | Gloc. capit 5. & Westm̄. 1. ca. 21.

¶ Liuere & Ouster le maine. 2. Cap. 19.

¶ De rechiefe la ou leschetour, ou le viscount seisient ē la maine le roy autres terres la ou il nad reason de seiser: et puis quaunt trōue est la non reason, les issues du mesme temps ont este ceo en arrere retenus, & nemy rendus, quant le roye ad la maine ouste. Mott le roy que desormes, la ou terres sont issint seises, & puis la maine ouste pur ceo q̄ il nad reason de seisier, ne ceo tener, soyent les issues pleinement rendus a celuy a q̄ la terre demurt̄, & auera le dam̄ resceu. 29. E. 1. De eschaetoribus.

¶ Ordeine est que nul orfeure Dengleterre ne aillours de la seignioury le roy, ne ouere, ne face decy en auañt nul maner de vessel, ne sayalx, ne auter chose dor, ne dargent que ne soit de bone et veray alay, cestassauoir or de certaine touche, & argent del alay del esterlinge, oū de meilour alay, solonque la boñt de celuy, a que les oueres sont. Et que nul oure pier argent que money. Et que nul manner de vessell dargent, ne departe hors des maines dez ouerours, tanqz el soit assay par les gardeinz de la meister, et auxi que el soit sign̄ dun teste de Leopard. Et q̄ nul ne oure pire oze, que touche de Paris. Et q̄ les gardeins due meister allent de shoppe en shoppe enz les orfeoures, assaintz q̄ loz soit tiel cōe la touche auañt dit. Et sils trouent nul pier q̄ la touche, que lour soit forfait au roy. Et que nul ne face aneaux, croix, ne firmaux. Et nul ne metz pier en or, si el ne soit maturel. Et que taillours dez aymanz, & dez ceux, rendant a chescun son poys dargent et dor auxi auañt come ilz le purront seaver sur lour foialty. Et les joyaux dor, que ils ont entermaines de veill ouere, que ilz seu deliueront a plus toft que ilz purront. Et sils achatent desor en auaunt de mesme celle ouerage, que ils lachatent pur defere, & nemy pur reuender. Et tours les bones villes Dengleterre, la ou il y ad orfeures, que ils facent par mesme lestatut, cōe ceux de Loñdres font. Et que vn veigne de chescun vill

pur

pur touts a Londres, de quer̄ lour certeyne touche. Et si null' orfeure soit attainte que auterment le face que desuis nest ordeyne soit punye par prison, et par ranson̄ a la volunte le Roye. Et en toutes les choses desuis ditz, et chescune de els, voit le roy, & tēd il, & son counsell, & toutz ceux que a test ordeinement furent, que le droit et la seigniourу de sa corone saues luy soient par toutes &c.

¶ Expliciunt Articuli super Chartas.

Statutum de Appellatis.

¶ Note that this statute is in other printes vntruely entitled Modus Leuandi fines.

¶ Appels. 7.

Cum certi iustic in singulis com̄ regni ad assisas in eisd̄ capiend̄ de nouo assignat̄ sint, simulque ad deliberationem gaolarū eorundem com̄ in singulis aduent̄ suis fac̄ post captionē earūd̄ assisarū, put in statuto dn̄i regis inde confecto

plenius cõtinetur. | 27. E. 1. ca. 13. de finibus leuatis. | Dominus Rex ad parliamentum suum apud Westm̃, Anno regni sui xxviij. p pace firmius obseruand̃, felonibusq; celerius conuincend̃, & pr̃isonibus citius deliberand̃, cõcessit ordinauit, & statuit, quod quicunq; fuerint appellati per probatores existen̄ in gaolis, quas ipsi Justic. deliberant, & vbicunque in regno nostro ipsi appellati commorantes fuerint, aut latitãtes qd̃ statim mandet vic. in quorum ballliua talit̃ appellati fuerint conuersantes aut poterint inueniri, p breue domini regis sub testimonio cor̃ndem iustic. qd̃ talit̃ appellatos capiant & ducere fac. ad gaolas vbi appellatores per quos appellati fuerint detenti & iidem coram ipsis Justic. respondeant. Et si ipsi appellati, se super patriam posuerint, similiter mandetur p breue de iudicio per eosdem iustic. vic. in cuius ballliua felonie facte fuerint, de quibus appellãtur, quod venire faciat cor̃ã eisdem iustic. inquis. patrie ad eundem locum, vbi appellatores sunt detenti, ad certum diem. Et vic. et alij in quor̃ custodia appellatores detinentur, admittant sine contradictione appellatos per eosdem probatores, cum idem appellati capti fuerint in forma predicta, et ad ipsos appellatores adducti.

Sta-

Stat'de coniunctim feoffatis, Anno.xxxiiij.E.i.

Assise.9.

Rex omnibus ad quos &c. salutem. Non est nouum quod nos int ceteras legum editiones quas temporib⁹ nostris adimuenim⁹, pro nimia & enormi transgressione, q3 in breuib⁹ nouę disseisine cōtingit pre ceteris, in illis breuibus celerius apponi decretum is remedium. Et quia quam pluries cōtingit, quod in assisa nouę disseisine tenens excipit contra querentem, quod tenet tēn petita coniunctim feoffatus cum broze sua nō nominata in breui, aliquando cum aliquo extraneo qui similiter non nominatur in breui et prokert chartam que hoc testatur, et petit iudicium de breui, concordatum est et statutum, quod si pars querens offerat verificare per assisam, quod die impetrationis breuis sui, ille qui talem exceptionem proposuit, fuit solus tenens, ita quod broz sua, nec alius aliquid habuerit in predictis tenementis, tunc iustic. coram quibus predicta assisa arraniata est, retineāt predictam chartam saluo in custodia eoz⁹ndem, quousque assisa inde inter eos transierit, vt illam que quasi dedicta est. Et scire faciant per breue nostrum sub eorum testimonio, parti absenti, quem charta

testat simul cum tenente qui presens est coniunctim feoffatum, quod sit ad certum diem responsurus, simul cum alio tenenti parti q̄renti tam de exceptione proposita, q̄ de ten̄ petitis et positis in visu, si sibi viderint expedire. Ad quem die̅ si ambo qui dicunt tenentes venerint, & feoffamentum illud aduocauerint, respondeant, & manu teneant exceptione̅ p̄ vnum eorum propositā, & similiter vlterius ad assisā, ac si bre originale super eos coniunctim fuisset impetratum. Et si cōuincatur p̄ assisam, quod exceptio illa in retardationem iuris querentis maliciose fuit proposita, eo quod ipsi non fuerunt coniunctim feoffati de ten̄ illis, die impetrationis p̄dicti breuis, tunc licet assisa illa transierit pro tenentibus et contra querentem, nihilominus puniantur talem exceptionem proponentis p̄ prisonā vnius anni, a qua nō exeāt sine graui redemptione. Et caueāt de cetero Justit̄ qd̄ talē exceptionē sic propositā p̄ balliuos aliquorū tenentiū nō admittāt. Si autē ille qui exceptionē illā proposuit se ad die̅ illū absentauerit, & alter qui dicit̄ coniunctim feoffatus cōparuerit, licet ipse comparens p̄dictā cartā aduocauerit, et dixerit se nihil habere in predict̄ ten̄, nihilominus adiudicetur assisa vers⁹ tenentem absentem per eius defaltam. Et si conuincatur per assisam, qd̄ ipsi non fuerunt coniunctim feoffati, die impetrationis breuis predicti, & si similiter conuincatur qd̄ tenens super quem breue fuerit impetratum, vel alius nominatus in breui disseisierit querentē,

tunc

tunc habita cõsideratione ad exceptionem in lesionem partis falso et malicioſe ꝓpoſitam & ad diſſeiſinam per eos factam, pars que-rens recuperet ſeiſinam ſuam & dãpna ſus in duplo, et ꝓponentes illam exceptionem habeant penam ſupꝛadictam. Si autẽ neu-ter tenentium ad diem illum venerit, tunc p eoꝛum defalt verſus eos capiatur aſſiſa. Et ſi compertum ſit per eandem, quod exceptio illa vere & rite ſit ꝓpoſita, quia ipſi qui cã ꝓpoſuerint fuerunt coniunctim feoffati an-tequam querens bꝛeue ſuũ verſus eos im-petrauerit, nõ ꝓcedatur vlterius ad aſſiſã ſed caſſetur bꝛeue querentis. Hoc idem ob-ſeruetur ſi ambo vel vnus iſtoꝛum venerit, ſi cõ-periat per aſſiſam, qõ exceptio ꝓdicta (vt ꝓ-dictũ eſt) veracit fuit ꝓpoſita. Eodo modo ſtatutum & concoꝛdatum eſt, quod in aſſiſis moꝛtis anteceſſoꝛis, & bꝛeue de iuris vtrũ, ad ꝓximum diem quo partes cõparuerint in curia, ſi tenens ꝓponat ꝓdictam excep-tionem contra petentem, & de hoc ꝓetendit chartam, et petens offerat verificare p aſſiſã vel iuratã, qõ die impetrationis bꝛeuis ſui ille qui talem exceptionem ꝓpoſuit, fuit ſo-lus tenens, extunc idem ꝓceſſus & modus ꝓcedendi ſeruetur in huiuſmodi aſſiſa moꝛ-tis anteceſſoꝛis, & bꝛeue de Juris vtrũ, qui ꝓdinat eſt, & ſtatut in aſſiſis no. diſſeiſñ, Et eadem pena delinquentibus & convictis infligat. In aliis vero bꝛeuib⁹ q̃ que tene-menta petentur, talis fiat ꝓceſſus, qõ ſi ꝓ-mo die quo partes cõparuerũt in cur tenẽs

ꝓponat exceptionem ꝓdictam de coniuncto feoffamento & petens offerat verificare per iuratam patrie, quod die impetrationis huius sui ille qui exceptionem illam ꝓposuit fuit solus tenens, tunc idem ꝓcessus & modo ꝓcedendi seruet inter partes, quousque iurata inde inter eas transierit. Et si comperiatur per iuratam, quod exceptio illa veraciter fuerit ꝓpositа, tunc cassetur breue petentis. Et si comperiatur per iuratam, quod exceptio illa falsa & malicioſe, in lesionem partis fuit ꝓpositа, tunc petens recuperet seisinam suam de tenementis petitis, et tenens puniatur per penam superadictam in assisa noue disseisine, quo ad ꝓsonam, & quoad dāpna secundum discretionem Justic. Et volumus & concedimus, quod istud statutum incipiat locū tenere in crastino sācti Petri aduincula ꝓximo futuro.

¶ Indicauit.

¶ Quia etiā lites in curia Christianitat hactenus indebitas dilationes multociens soꝛtiebantur, per hoc quod breue nostrum quod vocat Indicauit, iudicibus talium litium in initio earū dilatum fuit, & super hoc capitalis Justic. nostr̄ ad consultationem super tali ꝓcessu faciendā, rite seu debito modo nequit ꝓcedere, concoꝛdatum est, quod tale breue Indicauit alicui de cetero non concedat, antequā lis in curia Christianitatis inter partes fuerit contestata, et quod per inspectionem libelli Cancellarius

noster

noſter certiozetur ſuper hoc. In cuius rei teſtimonium has litteras noſtras fieri fecimus patentes. Teſte me ipſo apud Weſtm̃ 27. die Maij. Añ regni noſtri 34.

¶ Explicit ſtatuť de coniunctim feoffatis.

¶ Statut' de frangentibus priſonam, editum Anno. j. E. primj. ij.

Felony. 2.

DE pziſonarijs pziſonã frãgentibus, dominus rex vult & pzecipit, qõ nullus de cetero qui pziſonam fregerit, ſubeat iudiciũ vite vel mẽbzozum pzo fractione pziſoñ tantum, niſi cauſa pzo qua captus & impziſonatus fuerit, talis iudicium requirat, & de illa ſecundum legem et conſ. terre fuiſſet conuictus, licet tempozibus pzeteritis aliter fieri conſueuit.

Finis.

¶ Articulus statuti Gloc', correctus pro Ciuibus Londoñ, de forensicis vocatis ad warr̄ in Hustingo Londoñ. |9.E.2.|

¶ Voucher.7.

Du ruieu est ensement, q̄ si hōe enpled̄ en la city de Lōdres vouche forreiñ a garrāte, l' Maior et les baillifes aiornēt les ꝑties deuaūt Justices de banke au cert̄ iour, & enuoient la lour record̄. Et l's Justices fac̄ somm̄ l' garr̄ deuaūt eux et pledent le garr̄. Et le Maior & les baillifes en dementiers surcessent a la parolle que est deuaūt eux per briefe iesque a taunt que la parolle de la garr̄ soit t̄mine deuaunt Justices du banke. Et quant la parolle serra termine en banke, serra dit al garr̄, que il voise en la citie, et respoigñ del chiefe plee. Et le demaūd̄ per sa suit eit des Justices de banke au Maior & eux baillifez que ilz voisent auaūt en le plee. Et si le demaund̄ recouer̄ veigñ le tenant aux Justic̄ de banke, et eit briefe au Maior & as bailifs que si le tenant eit sa terre pardu, que ilz facent extendre la terre, et retournent lextent au banke au certeine iour, apres soit maūd̄ au viscount du pais, ou le garr̄ fuit somm̄,

que

que il face auoir de la terre du garraunt a la valiance. Et si aucign̄ que l'tenant face defaut au iour que luy est don̄ en banke, donques illera bziefe des Justices du banke as Maioz & baillifes de pzendze le tenemēt demaunde, en la maine le roy per le petit cap̄, & de sommōn le tenant q̄ il soit al Husting au certaine iour, dont les Justices ierē auisez, a renō iudgement de cel defaut, si ne la puisse sauer, & si la puisse sauer, adonques les Justices soient de ceo certifies per lour recoz̄d, & les Justices per lour recoz̄d pledent le garē.

¶ Memozandum q̄d iste articulus in fozma pzedicta consignatus fuit sub magno sigillo dn̄i E. filij regis E. anno regn̄ sui nono, & missus Justic̄ de banco in modū br̄is patentis cum quodam bzeui clausa sub data regis apud Westm̄ secundo die Maij anno pzedicto, quod ipsi omnia et singula in articulo pzedicto contenta facerent et exequerentur. Non obstante quod articulus ille in omnibus cum statuto Gloc̄ [ca. 12.] non concoz̄dat.

Finis.

¶Articuli cleri edit',

Añ.ix.E.ij.

EDward⁹ dei gratia rex Anglie ⁊c.omnibus ad quos p̄sentes litere peruenerint salutē. Sciatis quod cū dudum temporibus progenitorum nostrorum quondā regū Anglie, in diuersis parliamentis suis, ⁊ similiter postquā regni nostri gubernacula suscepimus, in parliamentis nostris, per p̄latos, ⁊ clerum regni nostri plures articuli continentes grauamina aliqua ecclesie Anglicane, et ipsis p̄latis ⁊ clero illata, vt in eisdem asserebatur, porrecti fuissent, et cum instantia supplicatum, vt inde apponeretur remedium oportunum: ac nuper in parliamento nostro apud Lincolñ anno regni nostri nono, articulos subscriptos, et quasdam responsiones ad aliquos eorum prius factas, coram cōsilio nostro recitar̄, ac quasdam resp̄ōsiones corrigi, ⁊ ceteris articulis subscriptis per nos ⁊ dictū consiliū nostrū fecerimus respondere: quorum quidem articulorum ⁊ responsionum tenores subsequunt̄ in hunc modum.

¶Prohibicion. I. cap. I.

¶ In primis laici impetrāt p̄hibitiones in genere super decimis, obuentionibus, oblationibus, mortuariis, redēptionibus, penitentiarū, violenta manuū iniectione in clericum vel conuersum, et in causa diffamationē: in quibus casib⁹ agitur ad penam canonicam imponendam: Rex ad istum articulū respon-

respondit, quod in decimis, oblationibus, obuentionibus, mortuarijs, quando sub istis nominibus proponūt, prohibitione regie nō est locus: etiamsi, propter detentionem istorū diuturnam ad estimationē eorundē pecuniariū veniat. Sed si clericus vel religiosus decimas suas in horreo suo congregatas, vel alibi existentes vendiderit alicui pro pecunia si petatur pecunia coram iudice ecclesiastico, locum habet regia prohibitio, quia p̄ venditionem res spirituales fiunt temporales, & transeunt decime in catalla.

Prohibition. I. Cap. 2.

¶ Item si sit contentio de iure decimarum originē habēs de iure patronatus, & earūdē decimarū quantitas, ascēdat ad quartā partem bonorū ecclesie, locum habeat regia prohibitio, si hec causa coram iudice ecclesiastico ventiletur. Item si prelat imponat penā pecuniariā alicui p̄ peccat & repetat illā, regia prohibitio locum habet. Verumtamen si prelati imponant penitētias corporales, & sic puniti velit hmōdi penitētias p̄ pecuniā redimere sponte, non habet locū regia p̄hibitio, si corā prelatis pecunia ab eis exigatur.

Prohibition. I. Cap. 3.

¶ Insup si aliquis violētas manꝰ iniecerit in clericū p̄ violētia facta, debet emenda fieri corā rege, pro excōmunicatione vel, corā prelato, vbi imponat penitentia corporalis, q̄ si reꝰ velit spōte p̄ pecuniā redimere dando prelato vel ieso, potest repeti corā prelato, nec in talibus regia prohibitio locum habet.

Pro-

Prohibicion. I. Cap. 4.

¶ In diffamationibus etiam corrigāt ꝓlati supradict modo regia ꝓhibitione nō obstāte ꝓmo mittendo penā corporalē, ꝙ si reus velit redimere libere percipiat ꝓlatꝰ pecuniam, licet regia ꝓhibitio porrigatur.

¶ Prohibicion. I. Cap. 5.

¶ Item si aliquis in fundo suo molendinū erexit de nouo, & postea a rectore loci exigat decima de eodē, exhibetur regia ꝓhibicio sub hac forma. Nos de tali molendino hactenus decime nō fuerūt solute, ꝓhibemus &c. et sententiā excōmunicationis, si quā hac occasione ꝓmulgaueritis, reuocetis omnino. ¶ Respōsio. In tali casu nūq̄ exiuit regia ꝓhibitio de ꝓncipis voluntate: qui et decernit talē perpetuo non exire.

Iurisdiction. I. Cap. 6.

¶ Item si aliqua causa vel negotiū, cuius cognitio spectat ad forū ecclesiasticum, & corā ecclesiastico iudice fuerit sententialiter terminat, & transierit in rem iudicatam, nec ꝑ appellationē fuerit suspensū, & postmodū corā iudice seculari super eadē re inter easdem ꝑsonas questio moueatur, & ꝓbetur ꝑ testes vel instrumenta, talis exceptio in foro scl'ari non admittatur. ¶ Respōsio. Nō ea de causa diuersis rationibꝰ corā iudicibꝰ ecclesiasticis, & secularibus vētilatur vt supra patet de iniectione violenter manuū in clericū, dicunt qđ (nō obstante ecclesiastico iudicio) cur regis ipsū tractat negotium, vt sibi expedire videtur.

Excom-

Excommengement. 2. Cap. 7.

¶ Item littera regia ordinarijs dirigitur, qui aliquos suos subditos excommunicationis vinculo innodarūt, qđ eos absoluāt infra certum diē: alioquin qđ cōpareat respons. quare eos excommunicauerunt. ¶ Respō. Rex decernit, qđ talis littera nūquā in posterū exire pmittatur, nisi in casu in quo possit inueniri, ledi per excommunicationem regiam libertatem.

¶ Residence. 1. Cap. 8.

¶ Item barones de scaccario domini regis vendicantes sibi ex priuilegio, qđ non debēt extra illum locum cōquerenti cuicunq; respondere, extendunt illud priuilegium ad clericos commorantes ibidem, vocatus ad ordines, seu ad residentiam, a diocesanis inhibeant, ne aliquo modo, aliquave ex causa, dū sint in scaccario et in seruitio domini regis, trahant ad iudiciū quocunsmodo. ¶ Respō. Placet domino regi, vt clerici suis obsequiis intendentes, si delinquāt per ordinarios (vt ceteri) corrigantur, sed tempore quo occupantur circa scaccarium, ad residentiam in suis faciendam ecclesijs non tencantur. Hic additur de nouo, per consilium domini regis. Rex & antecessores sui a tempore cuius contrarij memoria non existit, vsi sunt, quod clerici suis immorantes obsequiis, dum obsequijs illis intenderint, ad residentiam in suis beneficijs faciendam minime compellantur: nec debet dici tendere in preiudicium ecclesiastice libertatis, qđ pro rege

& re-

republica necessarium inuenitur.

¶Distres.9. Cap.9.

¶Item ministri dñi regis,vt vic.& alii, ingrediunt feoda ecclesie ad faciendū districtiones,& aliqñ capiūt animalia rectorum in via regia qñ nō habent nisi terram pertinent ad ecclesiam. ¶Responsio. Placet dño regi |ne|de cetero districtiones fiant huiusmodi nec in via regia,nec in feodis quib⁹ olim ecclesie sunt dotate. Vult tamen districtiones fieri in possessionibus de nouo a personis ecclesiasticis acquisitis.

Abiuration.3. Cap.10.

¶Itē quandoqz aliqui confugientes ad ecclesiā abiurant terrā, scōm regni consuetudinē,& pzosequūtur laici eos, vel inimici eorum,& a publica strata abstrahuntur,& suspendunt,vel statim decapitant,& dū sint in ecclesia custodiūtur p armatos infra cemiterium |&|quandoqz infra ecclesiam ita arcte,qz non possint exire tocū sacrū causa superflui pōderis deponendi nec pmittt eis necessaria ad victus ministrari. ¶Respōsio. Qui terrā abiurauerīt,dū sint,in strata publica, sint in pace dñi regis,nec debēt ab aliquo molestari:& dū sint in ecclesia, custod eozū nō debent mozari infra cemiteriū, nisi necessitas, vel euasionis periculū hoc requirat,nec arctent cōfugē,dū sint in ecclesia,quin possint habere vite necessaria:& exī libere p obsceno pondere deponendo.

Appelles.6.

¶Placet etiam dño regi,vt latrones, vel appel-

appellatores, quecunq; voluerint, possint sacerdotibus sua facinora confiteri: sed caueant confessores, ne erronice huiusmodi appellatores informent.

¶ Monasteries. 3. cap. 11.

¶ Item petit, qd dñs rex, & regni magnates non onerent domos religiosas, vel ecclesiasticas personas pro corodijs, pensionibus, vel perhendinationibus faciend, in domibus religiosis, & alijs locis ecclesiasticis, carectis & equis sibi mittend, cum per hoc predicte domus depauperent, cultusq; diuinus in hac parte diminuat, & propter hmodi onera compellunt sepissime presbiteri, & alij ministri ecclesiastici diuinis officijs deputat, a locis recedere suprad. ¶ Responsio. Placet dño regi quod sup contentis in peticione, de cetero indebite non onerent. Et si p magnates, aut alios cōtra fiat, habeant inde remedium iuxta formam statutorum tēpore dñi. E. regis patris domini regis nūc editorū: & fiat consimile remediū de corodijs & pensionibus p cohertionem exactis, de quibus non fit mentio in statutis.

¶ Excommengement. 3. cap. 12.

¶ Item si aliqui de tenura domini regis vocantur coram ordinarijs extra parochiam in qua degunt, si propter suam contumaciam manifestam excommunicentur, ac post. xl. dies pro eorum captione scribatur, pretendunt se priuilegiatos, quod extra villam seu parochiā suam non debent vocari, et sic denegat bre regiū pro captione eorundē. ¶ Respōsio.

Nunquam fuit negatū, nec negabitur inſuturum.

¶Abilitie & nonabilitie.1. Cap.13.

¶ Item petitur qđ perſone eccleſiaſtice, quas dominus rex ad beneficia p̄ntet eccleſiaſtica, ſi epiſcopus eas non admittat, vt puta p̄opter defectum ſcientie, vel aliam cauſam rationabilem non ſubeant examinationem laicarum perſonarum in caſibus ante dictis, p̄out his temp̄oribus attentatur de facto, contra canonicas ſanctiones: ſed adeant iudicem eccleſiaſticum, ad quem de iure pertinet, p̄o remedio, p̄out iuſtum fuerit, conſequendo. ¶ Reſponſio. De idonietate perſone p̄ſentate ad beneficium eccleſiaſticum pertinet examinatio ad iudicem eccleſiaſticum et ita hactenus vſitatum, & fiat in futurum.

¶Election.2. Cap.14.

¶ Item ſi vacet aliqua dignitas, vbi electio eſt facienda, petitur quod electo̅res libere poſſint eligere, abſque incuſſione timo̅ris a quacunq; poteſtate ſeculari: et quod ceſſant p̄eces, & oppreſſiones in hac parte. ¶ Reſponſio. Fiant libē, iuxta fo̅rmam ſtatuto̅rum et o̅rdinationem. |W.1.cap.5.

¶Clergie.3. cap.15.

¶ Itē licet clericus co̅ram ſeculari iudice iudicari non debeat, nec aliquid contra ipſum fieri, per quod ad periculum mo̅rtis, vel ad mutilationem membro̅rum valeat peruenire ſeculares tamen iudices clericos ad eccleſiam confugientes, & reatus ſuos fo̅rte confitētes faciunt

faciunt abiurare regnum, & eorũ abiurationes admittũt ex illa causa, quãq̃ eor̃ iudices sup̃ his non exillãt: sicq; dat̃ laicis indirecte potestas hm̃odi clericos cruciandi, si ipsos post hm̃odi abiuratioñ in regno cõtigerit inueniri sup̃ quo petũt p̃lati, & cler⁹ tale remediũ adhiberi, vt immunitas ecclesie, & p̃sonarũ ecclesiasticarũ conseruet̃ illesa. ¶ Respõsio. Cleric⁹ ad ecclesiã cõfugiẽs p̃ felonia p̃ immunitate ecclesiastica obtinẽda, si asserit se esse clericũ regnũ nõ cõpellatur abiurare, sed legi regni se reddẽs gaudebit ecclesiastica libertate, iuxta laudabilẽ cõsuetudinẽ regni hactenus vsitatam.

¶ Clergie. 4. Cap. 16.

¶ Item quanquam confessio, coram illo qui non est iudex, confitentis, locum non teneat, nec sufficiat ad faciendum processum, vel sententiam proferendã: quidam tamen seculares iudices, clericos qui de foro suo in hac parte non existunt, reatus proprios, et enormes, vt puta furta, roberias, homicidia coram eis cõfitentes, admittunt accusationẽ illorum, quam ipsi communiter vocant appellum ipsos sic confitentes, & accusãtes, seu appellũ facientes non liberant p̃latis eorum post premissa, quãquã sup̃ his fuerint sufficienter requisit̃, licet coram eis etiam p̃ confessionem propriam iudicari vel condemnari nequeant, absq; violatione ecclesiastice libertatis. ¶ Respõsio. Appellatorium forma debita tãquã clerico. p̃ ordinariũ petito libertatis ecclesiastice beneficium non negabitur.

Nos desiderãtes statui ecclesie Anglicane, & tranquilitati, et quieti prelatorum et cleri predictorum (quatenus de iure poterimus) prouideri ad honorem Dei, et emendationẽ status dicte ecclesie & prelatorum & cleri p̃dictorum, omnes et singulas responsiones predictas, ac omnia & singula in eisdẽ respõsionibus content ratificantes & approbantes, ea pro nobis et heredũ nostris cõcedim⁹, & precipimus in perpetuum inuiolabiliť obseruari, volentes et concedentes pro nobis & heredũ nostris, quod predicti prelati, & clerus et eorum successores in perpetuũ in p̃missis iurisdictionem ecclesiasticam exerceant, iuxta tenorem responsionum predictarum, absq; occasione [ecclesie] inquietatione, vel impedimento nostri, vel nostrorum heredũ, seu ministrorum quorũcunq;. In cuius &c. Teste. &c.

Expliciunt Articuli cleri.

¶ Statutum Eborac. edit' anno. xii. Ed. 2.

DAr ceo que plusourez gentes du royalme Dengleterre, et de la terre Dyrlande, oũt auant ceux heures souent foites, suffertes mischiefe, dam̃, et disherisons par enchea-

encheason de ceo que en ascun cas ou defaut fuit en ley, remedy ne fuit ordeign̄: & auxint pur ceo que ascūs pointes des estatuts auāt faits auoiēt mester declarisment: Nr̄e seigniour le roy Edward, fitz au roy E. deuraūt plenier droit estre fait a son people, a sō parliament a Euerwike, a troys semaignes de saint Michell, lan de son reigne xij. p assent des prelates, countes, barones, et le comminaltie de son royalme, illonques assembles fist les establishmentes et les estatutes, q̄ux sensuent, les queux il voet que en le dit royalme et en la dit terre soyent firmement tenus.

¶Assise. 8. Cap. 1.

¶En primes pur diuerz mischiefes, queux ount este de ceo, que les tenants en assyses de nouel disseisin, ne puissent auāt ceux heurz faire attorneis, accorde est, que les tenantes en assises de nouel diss. puissent faire attourneis. Et ne entend̄ my le roy par taunt, que les tenantz et les defend̄ en assise de no diss. ne puissent pleid̄ par baillifs, s̄ils voillēt, cōe auant soilent.

Witnes. 1. Cap. 2.

¶Et ensement accord̄ est, que quant chr̄e quite claim̄, acquitance, ou auter escript soyt dedist en la court le roy, en queux sount tesmoign̄ nosmes, soit proces fait de faire ven̄ les tesmoign̄, come auant ad este vse, issint q̄ si nul veign̄ a le graund̄ distresse sur eux retorne, ou retorne soit que ils nount riens, ou ne sont troues: que adonquez ne soyt lesse le

prise del enquest par absẽce de ceux tesmoigñ Et si les tesmoignez veignount par le grãd distresse, & lenquest ꝑ ascune encheason, remaigne apprendre, soit m̃ le iour doñ a ceux tesmoignes, q̃ux issint viendront q̃ est doñ a lenquest prend, a q̃l iour si les tesmoignes ne viendront, soient sour issues primes sur eux retornes forfaites, et la prise del enquest ne remaigñ a prendre pur lour absence. Et pur le absence des tesmoigns, q̃ux sõt deins franchisez, ou briefe le roy originall' ne court ne soit le prise del enquest lesse.

¶ Nisi prius. 3. Cap. 3.

¶ Et come il soit conteigñ en lestatut fait a Westminster, le second iour de Aprill', lan du raigñ le roy pier nostre seigniour le roye que ore est. xxvii. /de finibus leuatis. cap. 4./ que les enquests et les reconusances deuant Justices de lune banke et de lauter aiudgez fuissent prises deuant ascune des Justices des places, associe a luy vn chiualer del coũtie ou les enquests serront apprendres, si lez enquests ne fuissent de graunde examinemẽt et que en tiels enquestes soit fait sicome les Justices verount que soit affaire au profite du roialme, le quel estatut ad mester destre mieux declare. Accorde est, que les enquestes et iurres, queux serront ou soient apprendres en plee de terre, queux ne sont mye de graunde examinement, soient prises en pais deuant vn Justice del place ou le plee est, associe a luy vn ꝓde home del pais, chiualler ou aut', issint q̃ certein iour soit doñ en bank

et

et certeine iour & lieu en pais en ꝑsence des parties, si le demaūd le prie. Et auxi les enquestes et iures en plee de terre, que demaunde graunde examinement, soyent prises en pais, en la forme suisdit, deuaūt deux Justices de banke.

¶ Nisi prius. 3. Cap. 4.

¶ Et eit le Justice, ou les Justicez poyar de record nonsuites, et defautes en pais, as iours & lieux, queux serront assignes, sicome desuis est dit. Et ceo que ils aucront fait en les choses suisdits soit reporte en banke au iour doñ, et illonques enrolle, & sur c̄ iudgement rendus. Et nentend̄ my le roy, que les ditz inquests et iures ne puissent estre ꝑses en banke, sils veignont, ne que cest estatute soy extende as graundez assisez. Et auxi vn Justice de lun place ou de lauter, associe a luy vn prode home du pais chiualer ou auter, a la request del pl' preigna les enquestes des plees pledes & a pleder, queux sont moues per attachement & distres, et eit poyar de recorder nōsuits, cōe desuiz est dit, & prēder les enquests per defautes illonqz faitz. Et quant a les assises de darreine presentment & les inquestez sur briefe de quare impedit prendres soit fait come est cōteign̄ en le ij. estatute de Westminster cap. 30. Et eiēt les iustices poiar a record nonsuites et defautes en pais, et sur ceo iudgement doner coñ en banke, & soit repost en banke ceo que ils ont faits, et illonqz soient enrolle. Et si aueign̄ que le Justice, ou les Justices,

queux sont ou serront assignes dappzender ticlz inquests en paiz ne veignõt, ou si veignõ en pays au iour assignõ iademaynes lez parties & les gents des inquests gardent lour iour en banke.

¶ Retornes &c. 3. Cap. 5.

¶ Et pur ceo q̃ souẽt pleintz oĩt este faits en la court le roy, que les retornes, queux baillifes des fraunchise, queux ount pleyne retourne del bzieue le roy, ount liũes as biscounts, apzes ount este chaunges, et en auter maner retornes en la court del roye, a dam̃ des ascuns del partiez, & en delaiãce d̃ dzoiture. Accozd̃ est, que des retornes, queux desoze se serront as biscounts per baillifes de tiels fraũchises, soit fait indenture parenter le baillife del fraunchise nosme per son pzoper nosme, et le biẽ nosm̃ p son ꝓper nosm̃. Et si le biscẽ change le ret̃ issint liuer a luy p endenture, et de ceo soit attaint al suit del seigniour du fraunchise, dount il ad tiel retozne resceu, si le seigniour auera dam̃ encurrue, ou sa fraunchise soit emblemy, & a le suite del partie que auera dam̃ encurrue per cel encheason, soit punie deuers le roy come de faux retozn̄, et rende al seigniour et a le party dam̃ au double. Auxint est accozd̃, que desoze les biscẽ, ou auters baill' q̃x resceyuont bẽes le roy retozn̄ en sa court, mittent lour pzoper nosmes oue les retornes, issint que la court puist seauer a que ilz pzendzone tiels retornes si mest̃ soit. Et si ascun biscont, ou auter baillife en ses retournes enterlesa

terlessa son nosm̄, soit il greuousmēt amercy al oeys del roy.

¶ Vitailes. 1. Cap. 6.

¶ Ensement pur cōmon profite du people accord̄ est, que nul minister en citie, ne borough, que per reason de son office doit gard̄ assises des viuers, et des vitailes, entāt cōe il serra attendant a cel office, ne merchand̄ vines ne vitails in grosse ne a retaill'. Et si ascun le face, et de ceo soit attaint, le merchandise doūt il serra attaint soit forfait au roy, & la tierce partie soit liuer, come del don̄ le roy a celuy a que suite le trespassour serra issint attaint. Et en tiel cas soyt resceu celuy que voudra suer pur tiel chose atteind̄. Et chauncell'; treasorer, barons del esquequer, Justic̄ de lun banke & de lauter, & Justices assign̄ as assises prender resceyuent tiels pleints per briefes & sauns briefes, et les terminent, et par facent touts lez choses cōteign̄ en cest article en le forme auantdit. Et iademainz puis le roy assign̄ ses Justic̄ a cel chose parfaire en cities, & boroughs, quant & la ou luy plerra.

¶ Explicit statutum Ebor̄.

¶ Statutum

¶Statutum d'Essoñ calumñ, edit̃. Anno. xij. E. 2.

¶Essoiñ. 12. Cap. 1.

Hic demonstratur quot modis essoñ sunt calũniand̃, & in q̃b⁹ casibus essoñ non iacet, videlicet non iacet essoñ, q̃a t̃ra capta est in manum dñi regis. Non iacet essoñ, q̃a district⁹ est per t̃ras. Nõ iacet essoñ, q̃a cõcessũ est hinc iudicium, si iurata veniãt. Nõ iacet essoñ, q̃a vis⁹ fuit in curia. Nõ iacet d̃ vltra mare, q̃a alias se essoniauit de malo veniẽdi. Nõ iacet quia alias se essoniauit tali die. Nõ iacet, q̃a p̃cept̃ fuit vicecomiti, qd̃ faceret eum venir̃. Non iacet de seruitio domini regis, quia femina, nisi quia nutrix, obstitrix, aut mittat̃ ꝑ breue ad ventrem inspiciendam. Non iacet in breui de dote, quia videtur deceptio, & ꝓrogatio iuris. Non iacet quia talis querens non inuenit plegios de pros. Nõ iacet, quia attorñ fuit essoniat̃. Non iacet, quia habet attorñ in loquela. Non iacet, quia essoniator testator, quod non est in seruitio domini regis. Non iacet quia sum̃ testificat̃ non est, vel pars non attachiat̃, eo qd̃ vic̃ mãdauit quod non est inuent̃. Non iacet, q̃a alias se essoñ de seruitio domini regis, scilicet tali die | et | modo non misit warrantum. Nõ iacet, quia resum̃ fuit in vltima presentatione,

vel

vel mozte anteceſſozis. Non iacet, qa talis nō nominatur in bzeui. Nō iacet, quia pzeſ fuit vic quod diſtringat cum bente p tras et catalla. Non iacet, quia mandat fuit tali epiſcopo, quod faceret cum bente. Nō iacet quia terminus pzeteryt. Et ſciendū eſt, quod eſſoñ de ſer= uitio domini regis allocā= tur poſt magnum cap, poſt paruum Cap, et poſt diſtrictiones factas p terras & catalla.

¶ Prærogatiua regis, edit Añ xvij. Edwardi. ij.

¶ Wardes. 13. Cap. 1.

DOminus rex habebit cuſtodiam, omnium terrarum eoz̄ qui de ipſo tenent in ca= pite per ſeruitium militare, de quibus ipſi tenentes fuerunt ſeiſit in dominico ſuo vt de feod, die quo obi= erunt de quocunq; tenuerint per huiuſmodi ſeruicium, dum tñ ipſi tenuerint de rege alt= qđ teñ ab antiquo de coz̄ona, vſq; ad legiti= mam etatem heredis exceptis feod archiepi Cantuar, epi Dunolm inter Tine & Tiſe, feodis Com & baronū de marchia de terris in marchia vbi bzeuia dñi regis nō currūt, & vnde

& vnde predicti archiep̄us, ep̄us, com̄, & baron̄, habeant hm̄odi custodiam: licet alibi tenuerunt de rege.

¶ Wardes. 14. Cap. 2.

¶ Itē rex habebit maritagiū hered̄ infra etatem & in custodia sua existen̄, siue terre hered̄ eorund̄ sint ab antiquo de corona, siue de escaetis, q̄ sunt in manu domini regis, siue habuerint maritagium ratione custodie t̄rarum dn̄orū eorundem heredū, nullo habito respectu ad prioritatem feoffamenti, licet de alijs tenuerint.

¶ Primer seisin. 1. Cap. 3.

¶ Item rex habebit primam seisinam, post mortem eorum, qui de eo tenent in capite, de omnibus terris & tenementis, de q̄bus ipsi fuerūt seisiti in dominico suo vt de feod̄, cuiuscunq; etatis heredes ipsorum fuerint, capiendo omnes exitus eorundem terrarum et tenementorum, donec facta fuerit inquisitio, prout moris est, & ceperit homagium huiusmodi heredum.

¶ Women. 1. cap. 4.

¶ Item assignabit viduis post mortem virorum suorum, q̄ de eo tenuerint in capite dotem suam que eas contingit &c. licet heredes fuerint plene etatis, si vidue ille voluerint. Et vidue ille ante assignationem dotis sue predicte, siue hered̄ plene etatis fuerint siue infra etatem, iurabunt quod se non maritabūt sine licētia regis. Et si se maritauerint sine licentia regis, tūc rex capiet in manum suam nomine districtionis omnes t̄ras

& ten̄

et teñ,que de eo tenent in dotem, donec satisfecerint ad voluntatem domini regis: ita quod ipsa mulier nihil capiet de exit̃ &c. quia sal' quousq; per huiusmodi districtiones huiusmodi mulieres seu viri earum finem faciant regi ad voluntatem suam. Et illa voluntas tẽpore regis H. patris regis E estimari consueuit ad valentiam predicte dotis per vnum annum ad minus nisi vberiorem gratiam habuerint. Mulieres que de rege tenent in capite aliquam hereditatem, intrabunt similiter (cuiuscñq; fuerint etatis) quod se nõ maritabunt sine licentia regis. Et si fecerint, terre et teñ ipsarum eodem modo capiantur in manum dñi regis, quousq; satisfecerint ad voluntatem domini regis. Magna Charta cap. 7.

¶ Partition. 1. cap. 5.

¶ Et si vna hereditas, que de rege tenetur in capite, descendat pluribus participibus, tunc omnes illi heredes faciant homagium regi, & illa hereditas que de rege tenetur, participabitur inter heredes illos, ita quod quilibet eorum extunc partem suam tenebit de rege.

¶ Wardes. 15. cap. 6.

¶ Si mulier ante mort̃ antecessoris sui qui de rege tenet in capite, ante annos nubiles maritata fuerit, tunc rex habebit custodiã corporis illius mulieris vsque ad etatem, quod consentire possit: & tũc eligat ipsa vtrũ maluerit habere virum illum, cui premaritata fuerit, vel alium, quẽ rex ei obtulerit.

Alienation

Alienation without licence. 1. & 2. cap. 7.

¶ Nullus qui de rege tenet in capite per seruicium militare, potest alienare maiorem partem terrarum suarum, ita quod residuum non sufficiat ad faciendum seruicium suum, sine licentia regis. Sed hoc non cõsueuit intelligi de membris et particulis earundem terrarum.

¶ De seriantijs alienatis sine licentia regis, consueuit rex arentare huiusmodi seriantias per rationabilem extentam inde faciendam.

¶ Auowson. 2. cap. 8.

¶ De ecclesijs vacantibus, quarum aduocationes spectant ad regem, & alij presentauerint ad easdem, ita quod contentio inter dominum regem et alios oriatur, si rex per considerationem curie presentationem suam recuperauerit licet post lapsum sex mensium a tempore vacationis, nullum occurrit ei tẽpus, dum tamẽ rex presentauerit infra tempus sex mensium.

¶ Fooles. 1. cap. 9.

¶ Rex habebit custodiam terrarum fatuorum naturalium, capiendo exitꝰ earundem, sine vasto & destructione, & inueniet eis necessaria sua de cuiuscunq; feodo terre ille fuerint. Et post mortem eorum reddat eam rectis heredibus, ita quod nullatenus per eosdem fatuos alienentur, nec quod eorum heredẽ exheredentur.

¶ Fooles. 2. cap. 10.

¶ Item rex prouidebit, qñ aliquis q̃ pr⁹

habuerit

habuerit memoriam et intellectum, non fuerit compos mentis sue, sicut quidā sunt per lucida interualla, quod terre et teñ eiusdem saluo custodiantur: sine vasto & destructione et quod ipsi & familia sua de exitibus eorundem viuant & sustineant competent, et residuū vltra sustentationem eorundē rationabiliter custodiatur ad opus ipsorum, liberand eisdem quādo memoriam recuperauerint, ita quod predicte terre et teñ infra predictum tēpus nullatenus alienentur: nec rex aliquid de exit percipiat ad opus suum. Et si obierit in tali statu, tunc illud residuum distribuatur pro anima eiusdem, per consilium ordinarij.

¶ Wrecke. 2. cap. 11.

¶ Item rex habebit wreccum maris per totum regnum, balenas, & sturgeones captos in mare vel alibi infra regnum, exceptis quibusdam priuilegiatis locis per reges.

¶ Eschete 1. cap. 12.

¶ Item habebit escaetas de terris Normanorum, cuiuscūq; feodi fuerint, saluo seruitio, quod pertinet ad capitales dños feodi illius. Et hoc similiter intelligendū est si aliqua hereditas descendat alicui nato in partibus transmarinis, et cuius antecessores fuerunt ad fidem regis Francie vt tēpore regis Johannis, & nō ad fidē regis Anglie: sicut cōtingit de baronia Monumēte post mortem Johannis de Monumenta, cuius heredes fuerint de Britañ & alibi. De feodis aliorum recupe=

recuperauit rex Henricus plures escaetas de terris Normannorum occasione predicta, et eas contulit tenendō de capitalibus dominis feodi per seruitia inde debita et consueta.

¶ Intrusion. 1. cap. 13.

¶ Quādo aliquis, qui de rege tenet in capite in fata decedat, & heres eius ingrediatur ten̄ quod antecessor suus tenuit de rege die quo obijt antequam fecerit homagium regi, & seisinam suam ceperit per regem, tunc nullum accrescit ei liberū ten̄. Et si obierit seisitus, idem tempus uxor eius non habebit dotem de ten̄ illo: sicut contingit de Matilda filia comitis Herefordō uxoris Manuselli' marescalli, qui post mortē Wilhelmi Marescalli Anglie fratris sui cepit seisinam castri & manerij de Scrogoill', & obijt in eodem castro, antequam intrasset per regem, & fecisset ei homagium, et unde concordatum fuit, qō uxor non haberet dotem, eo qō uir suus non intrauit p regē uero p intrusionem. Sed hoc non intelligatur de |escaetis al'| Socagio & paruis tenuris.

¶ Forfayture. 4. cap. 14.

¶ Item rex habebit escaetas de terris liberе tenentium archiepiscoporum, et episcoporum, quando ipsi tenētes damnati sunt p felonia facta tempore uacationis, dum temporalia eorundem fuerunt in manu domini regis, conferendō cui uoluerit imperpetuum: saluo seruitio qō ad dictos prelatos inde pertinet & fieri consueuit.

¶ Patents

¶Patentes.1. Chap.15.

¶Quando Dominus rex dat vel concedit alicui manerium vel terram cum pertinen nisi faciat in charta sua vel scripto expressam mentionem de feodis militum, aduocationibus ecclesiarum, & dotibus cum acciderint, ad prædictum manerium vel terram pertin, tunc his diebus rex reseruat sibi eadem feoda, & aduocat, cum dotibus, licet inter alias personas non fuerint obseruata.

¶Forfaiture 5. Cap.16.

¶Item rex habebit omnia catalla felonum damnatorum, & fugitiuorum vbicunque fuerint inuent. Et si ipsi habeant libet ten, tunc illud statim capietur in manu domini regis: et rex habebit omnes exit eiusdem per vnum annum & vnum diem, & ten illud vastabitur et destructur de domibus, boscis & gardinis, & alijs quibuscunque ad prædictum tenementum spectant exceptis hominibus quorundam locorum priuilegiatorum inde per regem. Et postquam dominus rex habuerit annum, diem, et vastum, tunc reddatur ten illud capitali domin feodi illi nisi prius faciat finem pro anno, die, & vasto. De consuetudine dicitur, quod post annum et diem, terre & tenementa felonum in Gloc, reddētur et reuertentur proximo heredi, cui debuerant discendisse, si felonia facta nō fuisset. Et in Kanc in Gauelkinde: The father to the bough, the sonne to the plough. Ibidem omnes heredes masculi participabunt

P.i. heredi-

hereditatem eorum, & similiter femine, sed femine non participabunt cum masculis. Et mulier habebit post mortem viri medietatem pro dote sua. Et si mulier fornicetur in viduitate, perdet dotem suam, vel si sit dispōsata viro.

¶ Explicit Prerogatiua regis.

¶ Incipit statutum de Magna Assisa iniungendo siue duello.

Vo⁹ deues scauoir ou graūd assise se ioint a batayle niēt, ou battaile se ioint et graūd assise niēt, & ou lune ne lauter ne se ioint. Graūd assise se iointe a battaile nient, lou vn home vend terre a vn auter per charter & cel purchaser vend celle tre ouster & nad nient pluis de terre & il rende sa charter dōt il est enfeoffe, vient le heire le primer feoffour & luy empled il ne purr̄ my sa seisin defender per le corps son franke home, mez il se purra mettre en dieu et en la graunde assise. Battaile se ioint & graunde assise nyent la ou le voucher est enfeoffe et vouche son feoffour

feoffour a gart ꝑ chart q̄ il aū d̄ luy il purra dedire sa charter per le corps son franke home, & la ne gist pas graunde assise mes battaile. Auxint graunde assise ne se ioynt, nient enter parents auaūt que ils soiēt passes le tierce degree la ou ils claiment per vn mesme la discent. Mes battaile se ioint entre freres la ou lun est feoffe per charter et lauter claime per discent. Et ou lun ne lauter ne se ioiynt nient la ou le demaūdant claim̄ a tener en franke mariage, ou en frāke Burgage, ou en franke socage, ou en gauelkinde cōe en Kent, ou en auter maner come si le demaundant demaunde forsque petit chose come vn acre de terre ou demy toft ou croft, donques par assent des parties, ou per agarde des Justices, si poient ilz consenter̄ en vn iurr̄ de dones frankes homes & loyalx pur esparer le trauaile et le serement de bones chiualers, & ilz ferront le serem̄t saūs delay doūt ilz dirrount voier a lour scient. | Voies le vieux nature des br̄es fo. 1. |

P.ij.

¶ Addition.1. Cap.5.

ITem ordeinez est & establiez que en chescun briefe original des actionz ꝑsonelz, appeles, et endictements & en queux exigendes serr̄ agard̄ que aux nosmes des defendaunts en tielz briefes originalz appelles et endictments soient faitz addition de lour estate ou degree, ou de mestier et les villes ou hameleton, lieux, & les counties de queux ilz fuerent ou sont, ou en queux ils sont ou fuerent conuersants. Et si per proces sur les dits br̄es originals appelz ou endict̄ en q̄ux les ditz additions soient enterlessez, ascūz vtlagaries soient ꝓnuncies que ilz soient voides irrites et tenus pur nul. Et que auaūt les vtlagaries pronuncies les dits briefez et endictments soient abatus per exception du partie ꝑ la ou en icelle lez dits additions soient enterlesses. Puruieu toutes foitez que mesq̄z les ditz briefes dactionz personelz ne soient accordants as recordes et faits per le surplusage de additions suisditz, que pur cel cause ils ne soient abatus. Et q̄ les clerkes del chaūcellary south q̄ nosm̄z tielz br̄ez isseront escriptz ne enterlessent ne facēt omission des ditz additiōs cōe desuis est dit sur peine dest̄r punis et fair̄ fine al roy ꝑ discret̄ de le chaunceller. Et commencera cest ordinance a tenir lieu al suit de ꝑty de la feast de saint Michael prochein ensuant.

Anno.

Forcible entre. 3. Cap. 9.

Item come per le noble roy Richard nadgairz roy Dēgleterre puis le conquest second a son parliamēt tenus a Weſtm̄ lendemaine dez almes lan de sō raigne 15. ca. 2. entre auters choſez ordeignez ſoit & estabties que les estatutes et ordinaūces faitz & nient repelles de ceux que ſount entrez oue forte maine et armes en aſcuns terres tenemēts ou auters poſſeſſions quecunques, et lour teignent cins oue forte et armes a ō ceux que ſount inſurrections, riots, routes, chiuauchies, et aſſembles en diſturbance de la peace noſtre ſeignior le Roy ou de la cōmen ley en affray de ſon people ſerroient tenus et pleinement et duement executes. Et ouſtre ceo ordeigne eſt per meſme leſtatut q̄ toutz les foites q̄ tielz forcibles entres ſoient faitz et pleint ent beigne as Juſticez du peace ou aſcun deux que meſmes les Juſtices ou Juſtice preignent ou preigne poyar del countie, & voiſent ou voiſe al lieu ou tiel force ſoit fait. Et ſils trouent ou troue aſcuns teignantes tiel lieu forciblement apres tiel entrie fait, ſoient priſes et miſes en prochein gaole a y demurrer conuict de record de meſmes les Juſtices ou Juſtice tanque ils eient fait fin̄ et raunſom̄ au roy. Et que touts gents de county ſibien viſcountz cōe

auters soient entendants as ditz Justices & de eux enforcer pur arrester tielz malefaisors sur peine denprisonment et de faire fine et raunsom̄ au roy. Et que en mesme le maner soit fait de ceux que fount forcibles entries en benefices ou offices de saint esglises, cōe en mesm̄ lestatut est conteine plus au pleiñ; Et per taūt que le dit estatute nextend̄ mie as entriez en tenementes en peasible maner et apres teñ oue force: ne si les ꝑsons qui entrent oue force, en ascuns terres ou tenements, soient de tout remouez et voides deuaunt le venue des dits Justicez ou Justic̄ come deuaunt, ne nul peine ordeine, si lez viscounts ne obey mie les commaundementes et precepts des dites Justices pur executer lordinaunce suisdit: plusours extorcementes & forcibles entries sont faits de iour en auter, en terres & tenemēts, per ceux que droit nont, & auxy diuers dones feoffements et discontinuances ascun foitz faits as seigniours et auters persons, puissantz & extorcioners deins les dits counties, ou ils sont conuersantes, pur maintenaunce auoir, et ascun foytes as tielx persons ensy oustes, disconus a tiel entent, pur delaier et defrauder tielx droiturels possessours de lour droit et recouere a toutes iours, a final disherison d̄ plusours dez mesmes foialz liegez nr̄e Seigniour le roy, & semblable est dencrester de iour en aut̄, si due remedy ne soit puruieu en cel party: Nostre seigniour le roy cōsiderant les premisses ad ordeiñ que le dit estatute

tute et toutes autes estatutes de tiels entriez ou alienations deuant faites, soient tenus & duement executes adioustant a icelles, que desore en auant aſcun face tiel forcible entr̃ en terres tenements ou autres possessions, ou eux teigne forciblement apres compleint ent fait deins meſme le countie lou tiel entry soit fait as Justices du peace ou a vne deux per la partie greue, que les Justices ou Justice ensy garny, deins temps couenable facent ou face duement execut lez ditz estatutes, et ceo as costages de la partye ensie greue. Et ouster ceo, coment que tiels persones faisantes tiels entryes, soient pre-sentes ou boides, deuaunt le venue des dits Justices ou Justice, maintenaunt meſ-mes les Justices ou Justice, en aſcun bone ville plus procheine as tenementes ensi en-tries, ou en aſcun lieu couenable, solonque lour discretion, eient et chescun deux cyt auctholitie et poiar denquerer per les gents de meſme le Countye, auxybien de ceux que sount tiels forcibles entries en trez & tene-mentes, come de ceux que ent teignent oue force. Et si troue soit deuaunt aſcun de eux que aſcun face le contrarye de ceſt estatute, adonqz les dits Justices ou Justice, facent ou face reseiser les terres ou tents ensi en-tries, ou tenus come deuãt, & mettre la pty ensi ouste en pleine poſſ. de ms les terres ou tenementes come deuaunt entries ou tenus. Et si aſcun person apres tiel entrye en ter-res ou tenementes tenus oue force, face

feoffement ou auter diſcontinuance, al aſcun ſeigniour ou auter parſon pur maintenance auoir, ou pur tolier et defrauder le poſſeſſour de ſon recouere en aſcun manner, ſi apres en aſſiſe ou auter action ent eſtre priſe ou purſuer deuant Juſtices des aſſiſes ou autz Juſtices du Roy quicunque per due enquerer ent apprendre, purra duemẽt eſtre proue meſmes les feoffements et diſcontinuances eſtre faits per maintenance, come deſuis eſt dit, que adonques tielx feoffements ou autz diſcontinuances enſi come deuant faits ſoiẽt voides irrites et tenus pur nul. Et auxy quant les dits Juſtices ou Juſtice, ferront tiels enqueres come deuaunt, facent ou face lour garraunts & preceptes directes as viſcount de meſme le Countie, luy commaundant de part le roy de faire venir deuant eux et cheſcun deux perſones ſufficiants et indifferentes, pluis prochiene demurrants ent les tenements enſy entries, come deuãt dẽquerer de tiels entries dont cheſcũ que ſerr enpanel denquerer en cel partye eit terre ou tenẽt dãuel value de xl.s.p an au meinz, ou les repriſes. Et que le viſcont retourne iſſue ſur cheſcun deux a iour de primer precept retornable xx.s. & al ſecond iour xl.s. & al tierce foitz C.s. & a cheſcun iour aps le double. Et ſi aſcun viſc ou bailife deins fraunchiſe eiant retourne de bẽ du Roy, ſoit lathe & ne face duement exerr des dits preceptes a luy directes pur tiels enqueres faire, que il forfait deuers le Roy xx.li. pur cheſcun defaut,

faut, et ouť face fine et raũsome au Roy. Et que auxibien les Justices ou Justice auant dits come les Justices des ass. a lour venir en pais pur assises prendre, eiet et chescun deux eit poiar doier et t̃miner tiels defauts et negligences des dits vicounts & bailifes, et chescun deux, auxibien ꝑ bille al suite del party greue, pur luy mesme, come pur le roy a suer, come per enditement apprẽdre pur le Roy solement. Et si le viscount ou bailife soit duement attaint en cel ꝑtie ꝑ enditemẽt ou ꝑ bille, que celuy que sue pur luy & pur le Roy eit vn moity del forfaiture de xx. li. ensemblement oue ses costages & expenses. Et q̃ mesme le proces soit fait vers tiels endits ou sues per bille en cell' parties sicõe serroit vers endicts ou sues ꝑ br̃e de trũz oue force et armes encounter la peas de nostre seigniour le Roy. Et oustre ceo si ascun personne soit ouste ou disseisie de ascuns terres ou tenementes oue forcible maner, ou ouste peasiblement & ap̃s tenus de hors oue fort maine et armes encounter la Justice du peace, ou apres tiel entre ascun feoffement ou discontinuaunce en ascun manner ent soit fait pur defrauder et toller le droit del possessour, que la partie greue en celle partye eyet assise de nouel disseisin en briefe de Trespas vers tiel disseysour. Et si la partye greue recouere per assise ou per action de Trespas et troue soit per verdite ou en auter manner per due fourme en ley, que la partye defendaunt entra oue force en terres & tenements

ou

ou eux per force apres son entry tiendra, que le pl' recouera ses dam̃ au treble vers le defendaunt. Et ouster ceo que il face fine et raũsome au Roye. Et que Maiours Justices ou Justice de peace, viscountes & baillifes des Cityes & Bozoughes, eiants frãchise eiant en les dits Cities, villes, & boroughes auriel poiar de tiels entries ouster et en auters articles desuisdites emergents deins icelles, come ont les Justices de peaũ et viscountes en counties & pais suisdytes. Puruiew toutes foites, que ceux que gardent per force lour possessions en asceuns terres ou tenementes dont ils ou lour auncesters, ou ceux queux estate ils ont en tyels terres ou tenementes ont contynues lour possessions en icelles, per trois ans ou plus, ne soyent mye en dam̃ per force de cell' estatute.

FINIS.

Sheriffes.25. Cap.10.

Item le roy cõsiderant les graũdz periury, extorcion & oppression, q̃ux sont & ont este en cẽ Roialme per ses visconts south viscents & lour clerkes, coroners, seneschales des fraunchises bailifes & gardẽs des prisons & aut̃s officers en diuerses coũties de cest roialme: ad ordeine per lauctority suisdit en eschewing de touts tiels extortiõ periury & oppression que null' viscont lesse a ferme en ascun mañ son county, ne ascun de ses bailiwikes hundredes ne wapentakes, ne q̃ les ditz visconts south visc̃ bailifs des frãchises, ne asc̃ aut̃ bailifes retourne sur ascun br̃e ou precept a eux direct de retorñ ascũs enquests, en ascun panell' sur ceo destre fait, asc̃s bailifes officers ou seruantes a asc̃ de les officers suisdites en ascun panell per eux issint affaire, ne que null' des officers & ministers per occasion ou soubs colour de lour office, preigne ascun auter chose, per eux ne per ascun auter person a lour vse profit ou auaill', dascun personne per eux ou ascun deux destre arrestus, ou attaches, ne de nul aut̃ per eux pur la lesser dascun arrest ou attachmẽt destre faites per lour corps, ou dascun personne per eux ou ascun deux per force ou

colour

ceis de lour office arrestus ou attaches pur fine fee, sewet del prison, mainprise, lessaunce a baile, ou monstrance ascun ease ou fauour a ascun tiel person issint arrestus ou arestes pur lour regarde, ou profite, sinon tyel come ensuit, cestassauoir, pur le viscount xx. s. le bailife que face larrest ou attachement iij. s. et le gaoler si le prisoner soit commis a sa garde iij s. Et que le viscount, south viscount, clerke de viscount, seneschall', ou bailife de fraunchise, seruant ou bailife, ne coroner, preigne per colour de son office per luy ne per ascun auter person a son vse, dascun person pur le faisour dascun retourne ou panell' ascun chose, et pur le copie dune panel iij. s. Et que les dites viscountes et toutes auters officers et ministers auauntdits, lesseront hors de prison, toutes maners des persones per eux ou ascun deux arestiers, ou esteants en lour garde per force dascun briefe bille ou garraunt en ascun actions personelles ou per cause dendictment de trespas sur reasonable suerties de sufficiantz persones, eiants sufficient deyns les counties ou tiels persones sount issint lesses a baile ou mainprise de garder lour iours, en tiels lieux, cõe les dits briefs billes ou garraunts requirent, tiel person ou persones q̃ sont ou serront en lour garde per condemnation, execution, capias vtlagatum, siue excõmunicatum, suerty de la peace, et toutes tiels persons que sont ou serront commis a garde p̃ especial commaundement dascun

Justice

Justice, et vagarantes, refusants de seruire, solonque la fourme de lestatute de Laborers tantsolement except. Et que nul viscount, ne nul d̄ sez officerz ou ministers suisdits, p̄ign̄ ou face de prendre ou faire ascun obligation per ascun cause suisdites, ou colour de lour office, sinon tant solem̄t a lour mesmes, dascun person ne per ascun person, que soyt en lour garde, per le cours de la ley forsque sur le nosme de lour office, & sur conditiō escrie, que les dits prisoners appergeront a le iour content̄ en les dits br̄es billes ou garront eit en tiels lieux ou les dits br̄es bils ou garr̄ requires. Et si ascun des dits viscoūts ou aut̄z officerz ou ministerz suisditz p̄igne ascun obligation en aut̄ fourme, p̄ colour de lour offices, que il soit void, & q̄ il ne preigne plus pur le fesāce dascū tiel obligat̄ garrāt̄ ou p̄cept p̄ eux dest̄ fait forsq̄ iiij. d̄. Et auxint que chescun de les dits viscoūts face annuelmēt vn depute en les courtz due roy de sa chauncery, le bāke, & leschequer de record̄, deuant que els retournent ascūz br̄s de Resceyū touts mañs dez br̄ez & garrātz a eux deste deliueres. Et q̄ touts visē south-viscoūts, clerkes, bailifes, gaolers, coroners seneschalz, bailiffes dez fraunchises ou ascū auterz officers ou ministerz queux fount le contrary de cest ordināce en ascū point dicell' p̄de al p̄ty en ycell' endam̄ ou greue sez trebles dam̄ et forfait̄ la summe de xl. li. a chest̄ tēps q̄ eux ou dasē deux font le contrary dycell', ou en ascū point dicell', dōt le Roy dañ

lun

lune moitie, ceo deste emploies al vse de son hoistel, et en nul aut̄ maner, & la pty que ceo voet suer lauter moitie. Et que les Justicez des assises en lour sessions, Justicez de lū bank & de lauter, & Justicez de peace en lour pais, eiāt poiar denquerer oier & termiñ del office sans especial comission, du & sur touts yceux que ferrent le cōtrary de cestz ordinā-ces en ascun article ou point dicell. Et si les dits viscounts retornent sur ascun person cepi corpus, ou reddidit se, q̄ ilz soiēt charge-ables dauer les corps des dits persōs a lez iours des retournes des dits bres, billes ou garrants, en tiel fourme come ils ferrēt deuant la fesance de cest act. Puruieu touts foits que per cest present ordinaunce le gar-deine del gaole du roy de Fleete, & del Pa-leiz du Roy a Westm̄, pur le temps esteant, ne soit endam̄ ne preiudice en son dui-tie de son office, et auxint que cest ordinance cōmencea al feast de Pasche que ferr̄ en lan de nostre Seignio-

¶Fines 8. Cap.24.

ITem where it is ordeined in the time of kinge Edwarde ỹ first, by ỹ statute of Finibus, that notes & fines to be leuied in the kinges court afore hys Justices, should be openly & solẽpnely read. And ỹ plees in ỹ meane time shoulde cesse. And this to be dõe by vj. daies in ỹ weeke, after the discretion of the Justices, as in ỹ said statute more plainely appeareth. Vide statutũ de Finib⁹ leuatis. 27.E.1. fines 1. before anno.34.E.3.ca.6.fines 4. The king our soueraigne Lord, considereth that fines ought to bee of the greatest strength to auoide strifes and debates, and to the finall ende and conclusion, and of such effect were taken, afore a statute made of non clayme, and now is vsed the cõtrary, to the vniuersal trouble of the kinges subiectes, wherfore it be ordeigned, by the aduise of ỹ lords spiritual and temporall, and the commons in the said parliamẽt assembled, and by authority of the same, that after the ingrossing of euery fine to be leuied, after the feast of Easter, that shalbe in the yeare of our lorde. 1490 in the kings court, afore his Justyces of the common plees, of any lands tenementes or any other hereditamentes, the same fine be openly & solempnly read & proclaimed in the same courte the same terme,

and

and in three termes then next followinge ẏ same ingrossing in the same court, at fower seueral daies in euery terme. And in the same time that it is so read & proclaimed al plees to ceale, And the said proclamations so had and made, the fine to be final end and conclude as wel priueys as estraungers to the same, except women couert, other then bene parties to the said fine, and euery person then beeing within age of xxj. yeres, in prison, or out of this realme, or not of whole mind, at the time of the said fine leuied nor ꝑties to such fine. And sauing to euery ꝑsō or persons and to their heirs, other then the parties in the saied fine, such right clayme and interest, as they haue to or in the saied landes, tenements, or other hereditaments, time of such fine ingrossed, so that they pursue their title, claime or interest, by way of action or lawfull entre, within fyue yeares next after the saied proclamations had and made. And also sauing to al other persons, such action, right, title, claime and interest, in or to the said landes, tenementes, or other hereditaments as first shall growe, remaine, or discende, or come to them after the said fine ingrossed and proclamation made, by force of any gift in the taile, or by any other cause or matter, had and made before the saied fine leuied, so that they take their action, or pursue their saied right and title according to the law within fiue yeres next after suche actyon, ryght, clayme, title or

interest

interest to them accrued, descended, fallen, or come, and that the sayde persons and theire heires may haue their saide action against the pernour of the profites of the said landes and tenementes and other hereditamentes time of the said action to be taken, and if the same persons at time of suche action, right and title accrued, descended, remayned, or come vnto them, bee couert baron or within age, in prison, or out of this lande, or not of whole mynde: That then it is ordeyned by the sayde aucthoritie, that their action, right and title to bee reserued and saued to them and to their heires, vnto the time they come and be at their full age of. xxi. yeares, out of pryson, within this lande, vncouert, & of whole mind, so y they or their heires take their saide actions, or their lawful entre, according to their right and title, within fiue yeres next after that they come & bee at their full age out of prison, within this lande vncouert and of whole minde. And the same actions pursue, or other lawfull entre take, according to the lawe. And also it is ordeined by the aucthoritie aforesaid, that al such persons as bee couert de baron, not party to the fine, and euery person being within age of. xxi. yeres, in prison or out of this lande, or not of whole minde at time of the said fines leued and engrossed, and by this said acte afore except, hauing any right or title, or cause of action, to any of the said landes and other hereditamentes, that they or their heires

inheritable to the same take their saide actions or lawful entre, according to their right and title, within v. yeres next after they cõe and be of age of xxi. yeres, out of prison, vncouert, within this land, and of whole mind and the same actions sue, or their lawful entre take & pursue according to the law. And if they do and take not their actions & entre as is aforesaide, that they and euery of them and their heires, & the heires of euery of thẽ be concluded by the saide fines for euer, in like forme as they bene ỹ ben parties or privies to the saide fines. Sauing to euery person or personnes, not party nor priuy to the saide fine, their exception to auoide the same fine, by that that those | that | were parties to the fine, nor any of thẽ, nor no person, nor psons to their vse, ne to the vse of any of thẽ had nothing in the lands & tenements comprised in the said fine at the time of the saide fine leuied. And it is ordeined by the sayde auctority, that euerye fine that hereafter shalbe leuied in any of the kinges courtes, of any manors, lands, tenementes, and other possessions, after the maner, vse and fourme that fines haue bene leuied afore the making of this acte, be of like force, effect and auctoritie, as fines so leuied bee or were afore the making of this acte, this acte or anye other acte in this saide parliament made or to bee made, notwithstanding. And euery person be at his libertie, to leuye any fine hereafter, after his pleasure, whether he will after the

fourme

fourme conteined and ordeined in & by this act, or after the maner & fourme aforetyme vsed.

Women.

¶ Anno. 11. H. 7. Cap. 20. Di continuance of right or estate.

FOr certaine reasonable cõsiderations be it ordeined, enacted & established, by the king our soueraigne lord, & by the assent of the lords spirituall & temporall, & the comunons in this present parliamẽt assembled, and by auctoritie of the same, that if any woman which hath had, or hereafter shal haue, anie estate in dower, or for terme of life, or in taile iointly with her husbande, or onely to her selfe or to her vse, in any maners, lands tenements, or other hereditaments, of the inheritance or purchase of her husbande, or geuen to the said husband and wife in taile or for terme of life, by any of the auncestors of the saide husbande, or by any other person seysed to the vse of the saide husband, or of his auncesters, and haue or shal hereafter being sole, or with anie other after taken husbande, discontinued or discontinue, alyened, released, or confirmed, alyen, release or confirme, wyth warranty, or by coupn suffred or suffer anie recouerie of the same, agaynst them or anye of them

or any other seised to their vse, or to the vse of either of them, after the fourme aforesaid, that all such recoueries, discontinuaunces, alienations, releases, confirmations & warranties, so had and made, & from henceforth to be had and made, be vtterly voide and of none effect. And that it shalbe lawful to euery person & personz, to whom the interest title or inheritaunce after the decease of the said women of the said maners, landes, and tenementes or other hereditamentes, being discontinued, aliened or suffred to be recouered after the first day of December next cōming, in the fourme aforesaid should appertaine, to enter into all and euery of the premisses, and peaceably to possesse and enioy the same in such maner and fourme as he or they should haue done, if no such discontinuance, warrāty, nor recouery had bene had nor made. And ouer this be it ordeined and enacted by the saide aucthoritie, that if any of the saide husbandes and women, or anie other seysed, or that shalbe seysed to the vse of them, of the estate afore specified, after the said first day of Decēber, do make or cause to be made, or suffer any such discōtinuance, alienations, warranties, or recoueries, in fourme aforesaid, that then it shalbe lawful to the person or persons, to whom the saide tenementes should or ought to belong after the decease of the said woman, to enter into the same, and them to possede and enioy, accordīg to such title & īterest, as they sholud

haue

haue had in the same, if the same womā had bene dead, no discontinuance nor recoueries had, as against the said husband during his life, if the saide discontinuaunce, alienation, warranties & recoueries be hereafter had by or against the same husbands & women during the couerture & espousel betwixt thē.

Prouided alwaye that the sayde women, after the decease of their saide husband, may reentre into the maners, landes and tenements, and them to enioy according to their first estate in the same. And ouer this be it ordeined and enacted by the said aucthoritie that if the saide women at the time of such discontinuance, alienatiōs, recoueries, warranties, after the saide first day of December in fourme aforesaide to be had and made of any of the premisses be sole, that then she shalbe barred and excluded of her title and interest in the same from thencefoorth, & that the person and persons to whom the title, interest & possession of the same should belong after the decease of the saide women, shal immediatly after the saide discontinuaunce, alienations, warranties and recoueries, enter into the same maners, landes, tenementes and other hereditaments, & them to possesse & enioy according to his or their title in ỹ same. Prouided also that this act extende not to auoide any recouerie, discontinuance or warrantie after the fourme aforesaide, afore this time had made or suffred, but onely where the said husband & womā,

or eyther of them nowe beynge alyue, or any other to their vse, now haue interest, and tytle to the sayde maners, lands, tenements or other hereditamentes alienes, discontynued, or suffered to bee recouered after the fourme aforesaide, and thereof nowe, taking the issues and profites, or anie other personne or personnes to their vse. Prouyded also that this act extend not to any such recouery, or discontinuaunce to be had with the heires next inheritable to the saide woman, or hee or they that next after the death of the same woman should haue estate of inheritance in the same maners, landes or tenements, bee assenting or agreeable to the saide recoueries, where the same assent and agreement be of recorde or inrolled. Prouided also ꝑ it shalbe lawfull to euery such woman being sole or maried, after the death of her first husbande, to geeue, sell or make discontinuance of any such landes for terme of her life onely, after the course and vse of the common law before the making of this prelēt acte.

¶ An

¶ An acte concerning actions populer, and statutes penall, An. 7. H. 8. Cap. 3.

Actions populer. 3.

Here diuers and many penall statutes & ordinances haue bene made & ordeined, some wherby the punishmēts geuen onely to the king our soueraign lord, his heires and successours by action, writ, bille, indictement or information, & some wherby the king by himselfe, any other common person for the kinge, or for himselfe onely, may sue by writte, bille indictment, or information against the offender or offenders in that behalf, and because of long tract of time and for sparing of the suite therof, and that then after such longe tracte of time, diuers & many of ỹ kings true subiects haue bene in time passed vexed & troubled for the penalties contained in the saide statutes and ordinances, more for malice then for Iustice wherupon plaries haue ēsued, to the grete trouble & vexatiō of the kings true subiects their heires & executours, being ignorant of the said statutes & offences, wherfore, & for the tender loue & zeale that our soueraigne lord ỹ king beareth to his said louing subiects, & at their humble desire. Be it enacted ordeined and established by his highnes, and by the assent of the lords spiritual & tēporal

and the cõmons in this p̃sent parliament assembled, and by the authoritie of the same, that all and singuler suche actions, suites, billes, indictementes, or informations, as frõ the xx. day of the moneth of November the vij. yeare of our said soueraine Lordes reigne shalbee commenced, taken, sued, had, or made, only for any dette, moueable goods or cattailes forfayted and lost, or to be forfaited or lost, wherunto the king onlye, his heires or successours, and none other common person shal or may be entitled by reasõ of the said penal statutes or any of them, shalbe commenced, sued, taken, or had with in foure yeres next after the offence or offences, forfayture or forfaytures, of or for the same, had or made against the ordinance, & prouision of any suche acte or actes, statute or statutes penall, and not after the said fower yeres. And that for any offence or forfaiture made or had, or to be made or had against the ordinaunce and prouision of anye acte or actes penall, made and ordained, or to be made and ordeined, wherby action, suite, bille, or information populer, is or shall be geuen to any personne or personnes, suche as will sue for the kinge and for him or them selfe, or onely for him or them selfe, that suche action, bille, suite, or information be commenced, sued, had and made, by suche person or personnes, other then the king, as will sue in that behalfe, within one yere next after the offence or forfaiture had, made, or committed

committed againſt the ordinaunce and pro-uiſion of any ſuch acte or actes penall, and not after the ſayd yeare ended. And that the kinges ſuite by writte, bille, plainte, endicte-ment, or infoꝛmation on that behalfe be cō-mēced, ſued, had or made within two yeres next after the offence or forfaiture made or had againſt the prouiſion and ordinaunce of any acte or actes, ſtatute or ſtatutes penall and not after the ſaid two yeres: And if any action, ſuite, bill, indictment, or infoꝛmation, concerning the foꝛſaide ſtatutes, or anye of them, be had or made otherwiſe thē with-in the time or times limited, as is afoꝛeſaid, that then the ſame action, ſuite, bille, indicte-ment and infoꝛmation, and euerye of them commenced, ſued, had or made for the ſayde offence or offences, foꝛfaiture or foꝛfaitures, ſhalbe voyde and of no foꝛce ne effect, any acte or actes, ſtatute or ſtatutes made to the contrary notwithſtanding.

¶ Prouyded alway that where any ac-tion, infoꝛmation, or indictement, is limit-ted by any ſtatute, to be had, made, or taken within ſhoꝛter time or times, thē (as is afoꝛe reher-ſed) that it be had, made, and taken accoꝛding to the time li-mitted in that eſtatute.

¶ In

Recoueries.

¶ An acte concerning aduowries for rents and seruices, Anno. 7. H. 8. Cap. 4.

Recoueries. 1.

WHere as diuers, aswell noble men as other the kinges subiectes, haue suffered recoueries againste them of diuers their manours, lordships, landes, and tenementes, for the performaunce of their wills, or for the suretie of their wiues iointeurs, or for the iointour of sonnes and heires apparaunt and their wiues, or for any other person or personnes, according to their couenants and agreements, and those personnes that so haue recouered the sayde manours by the course of the commō law, had no remedy nor may haue, to compel the fermour, freeholders and tenaunts, whiche held of the same manours by the rents seruices or customes, to attourne to them, nor could by the order of the law attaine to the rēts, seruices, or customes (if they were denied) by distresse or action, without they could once attein to the possessiō of the same rentes, seruices and customes by paying or doing the saide rentes, seruices, or customes, by the same freeholders, fermers & tenants, which to doe, diuers and manie of thē haue oftētimes refused, & yet doe, to the great offence and charge of their conscience, not only to the disheritāce of the said recouerers, but also in breking of the last wils of thē against whom

whō such recouery is had: & also to the disheritance of the said husbād, wiues & other to whose vse the same recouerie was so had Also if there were any aduowsō appendāt to any of the said maners, the same aduowson had fallen voide, & a straunger had presented, ỹ said recouerers, nor they, to whose vse the same recoueries were had, had no remedy for the same disturbance, & somtime therby they haue bē diseherited. Be it therfore enacted by this present parliament, and by the aucthoritie of the same, that the recouerers in all such recoueries, their heires, & all assignes, may from henceforth distreigne for the foresaid rents, seruices, & customes so being due and vnpaid, and make auowry or iustify the same, as those persons against whom ỹ said recouery is, should haue done if the said recouery had not ben had, and also haue like remedy for the recouering of ỹ said rent seruices, and customez by auowry, & also Quare impedit for the said aduowson, if any disturbāce be made, as those persōs, against whom ỹ said recoueries were had, might or should haue had, by ỹ course of ỹ cōmō law before ỹ said recouy if ani such rents seruices, or customes had ben denyed thē, or any such disturbance had been had in their times. And also that euery auowāt, & euery other person or persones that maketh auowry, comsaunce or knowledge, or iustyfie as baily, to any other person or persons, in any Replegiare: secōd deliuerāce, for any rēt, custōe or seruice, if their auowry, conisāz

or

or iustification be found for them or ỹ plaintifes in the laide actions otherwise barred, shal recouer their damages and costs that they haue sustayned, as the plaintife should haue done, if they had recouered in the sayde replecuins. | See after Ann. 21. H. 8. cap. 19. Huswife. 1.

¶ Assise.

¶ An acte concerning Abrigemẽts of plaintes in Assise, Anno. 21. H. 8. cap. 3. Assise. 17.

FOrasmuche as assises which haue been thought the moste spedy remedy, be now by occasiõ of pleding of many barres to moities, and parties of the landes put in view and plaint, greatly delaied, for difficulties and diuision of pleding. And one cause therof is, because the playntifes in the assise in suche plees, to moyties, and parties, cãnot by the lawe abridge their plaintes. For remedy wherof, be it enacted that the plaintife in euery assise frõ hencefoorth, may at his pleasure, seuer & abridge his plainte, of any parte or partes whereunto any barre is pleaded, in such like maner, as he or they might doe, in case ỹ plees in barre had bene made and deuided, to any certeintie or number of acres in the plainte & that the plaint for the residue of the parte

or

or parts of the landes not abridged, ſhalbe & ſtand good & effectuall in the lawe.

¶ Spirituall perſons.

¶ An acte againſt pluralities of benefices, for taking of fermes by ſpirirual men, and for reſidence. An. 21. H. 8. cap. 13.

Reſidence 2.

FOr the more quiet and vertuous increaſe and maunteinaunce of diuine ſeruice, the preaching and teaching the worde of God, with godly & good exãple geuing, the better diſcharge of curates, the maintenaunce of hoſpitalitie, the reliefe of poore people, the encreaſe of deuotion, and good opinion of the lay fee towarde the ſpirituall perſons: Be it enacted, ordeined and eſtabliſhed by the king our ſouereigne lorde, with the aſſent of the lordes ſpirituall and temporal, and the commons in this preſent parliament aſſembled and by authoritie of the ſame, that no ſpirituall perſon, ſeculer or reguler, of what degree ſoeuer he or they bee, ſhall from henceforth take to ferme to him ſelfe or to anye perſone or perſonnes to his vſe, of the leaſe or graunt of the king our ſouereigne lorde, nor of any other perſõ or perſons, by letters patents, endentures, writings, by worde, or other-

otherwise, by any maner of meanes, any manours, landes, tenementes, or other hereditamentes for terme of life, for terme of yeres, or at will, vppon payne to forfayte tenne pound for euery moneth that he or any other to his vse shall occupie any such ferme, by reason of any such lease or graunt hereafter to be made. The one halfe of which forfaiture to bee to the kyng our soueraigne lorde, and the other halfe thereof to euery such person as will sue for the same by original writ bill or plaint of debt, or by any informacion in any of the kynges courts: in which action and suite no wager of lawe shalbe admitted for the defendant, nor any essoine or protection allowed.

¶ And be it also enacted by ỹ authoritie aforesaid, that all & euery such spirituall person or persons, which nowe haue or occupy in ferme by thẽ selfe or by any other to their vse, any manours, lands, tenementes, or hereditamentes, of the leasse, or graunte of the king our soueraigne lorde, or any other person or persons, for terme of life or for yeares or at will, by any writyng or otherwise, or that now haue any annuall rentes, or other annuall aduantage or profite, by occasion or colour of any such leasse or ferme, shall clerely bargaine, sell, geeue or graunte awaye on this side the feaste of saint Michael the Archangell next comming to any such lay person or persones, as they will at their owne nominations and appointmẽt all such lease,

terme

terme, interest, and proute as any such spiri-tuall persone, or anye other to his vse nowe hath or haue, in, or by reasō of any such term so that in no wise any such spirituall person or persons at any time after the same leasse, by them self or any other to their vse by any maner of meanes, fraud or male engine, shal haue, vse, or occupie in ferme, any maynours, landes, tenementes or hereditaments, of the demise, leasse or graūte of any person or persons heretofore made, or hereafter to bee made, to them selfe or to anye other to their vses: nor from the said feaste shall take any annuall rent or other annuall aduantage or profite, by occasion or colour of anye suche leasse or ferme by any maner of meanes, vpon paine to forfait for euery moneth so occupying any such ferme, at any time after the said feast contrarie to this present act, tenne pounde, and vpon paine to forfait tenne tymes as much as any such spirituall person or any to his vse, shall take in anye annuall rent, aduantage or profit, by occasion or colour of any such leasse at any time after the saide feaste. The one halfe of which forfaitures to bee to the kynge our soueraigne lorde, and the other halfe to hym that will sue for the same by originall writte, bylle, or playnte of debte, or by information in any of the kynges courtes, in whiche action and suite no wager of lawe shalbee admitted for the defendant, nor any essoine or protection allowed.

And

¶ And be it also enacted that all such leases made or hereafter to bee made vnto any such spirituall person or persons, or to any other to their vse, for terme of life, terme of yeeres, or at will, of any manours, lands, tenements or hereditaments, whereof they or any of them shall take any profit, or medling by them selfe or by any to their vse, after the said feast of saint Michael, by colour of any such lease or graunt, (and not by them bargained, graunted, and solde away before the saide feaste, as is before limitted) shall from thencefoorth be vtterly voide and of none effecte, as well against the lessour or lessours, grauntour or grauntours, their heires and assigne, and against euery of them, as against the lessee or lessees, and their executours and assignes, & euery of them.

¶ Prouided alway that this present acte shall not extende to any spirituall person or persons, in, and for taking to ferme, any temporalties, during the time of vacations, of any archebishoprickes, bishoprickes, abbeys, priories, or other collegial, cathedrall, or conuentuall churches, nor to any spirituall person or persons, that shall tende or make anye trauers vpō any offices or office, concerning his or their freeholde.

¶ And be it also enacted by the authority aforesaid, that no spiritual person or persons seculer or reguler, of what estate or degree soeuer they be, shall from hencefoorth by him selfe, nor by any other for him, nor to his vse,

bargaine

bargaine and buy to sell againe for any lucre gaine or profite, in any markets, faires, or other places, any manner of catelles, corne, lede, tinne, hides, lether, tallow, fish, woolle, wood, or any maner of victuall or marchandise, what kinde soeuer they be of, vpon pein to forfaite treble the value of euery thing by them, or by any to their vse bargayned and bought to sell againe contrary to this pr̄sēt acte. And that euery such bargaine and cō-tract hereafter to be made by thē, or by any to their vse contrary to this acte, shall bee vtterly voide & of none effecte. And the one halfe of euery such forfaiture to be to ꝑ king our soueraign lord, & the other halfe to him ꝑ wil sue for ꝑ same by original writ of det bil, plaint, or informatiō, in any of the kings courtes. In which action or suite no wager of law for the defendaunt shalbe admitted, nor any essoine nor protection allowed.

¶ Prouided alwaye, that if any such spiri-tuall person or persons, shal happē hereafter without fraude or couine to buy any horses, mares, or mewles to the only intēt to occu-pye for himselfe or his seruaunts, to ride to and fro, vpon his necessary busines, or any other cattels or goods, to the onely intent and purpose at the buying thereof to be em-ploied and put in, and about his necessarye apparaile of his own house, or of his person and seruantes, or in, for, and about the onely occupying, manuring, or tillage of his own glebe or demeaned landes annexed to his

church, or for the necessary expenses of hys owne householdekeping. And after the buing of any suche horses, cattels or goods, or exercise of them or of any of them, happeth to mislike any of them, that they should not be good, profitable nor conuenient for any of the purposes aboue saide, for the which they were bought, that then euery such spirituall person or persons may lawfully bargaine & put away such things so by him bought, without fraude or counc for any of the purposes aboue saide, at his pleasure and aduantage this acte or any thing therin contained notwithstanding.

Prouided alway that all abbots, priours, abbesses, priores ses, pronostes, presidentes, masters of colledges, and hospitals, and all other spirituall gouernors, and gouernesses of any spirituall monasteries, or houses of religion, by what name or names soeuer they be called, hauing manors, lands, and tenements, hereditamentes, and other yerely profites, in the right of their monasteries or houses, of the yerely value of viij. C. markes, or vnder, and not aboue, may vse and occupie as muche and as many of their demeane landes, see fermes, and fermes to their most aduantage, commoditie, and profite to and for the onely maintenaunce of their housholdes and hospitalities, in as ample & as large maner as they or any of them, or their predecessours, or the predecessours of any of thē, at any time by the space of one C.

yeres

yeres last past, before the making of this act haue done, vsed, and occupied. Any thing in this present acte to the contrary notwithstanding.

¶ Prouided also, that euery other spiritual person and persons, not, hauing sufficiēt glebe or demeane lands in their owen hands, in the right of their churches, monasteries, & houses for pasturage of cattelles, or for increase of cornes, to and for the onely expenses of their housholdes, or for their cariages and iourneies, may take in ferme other landes, and buy and sell corne and cattell for the only manurance, tillage, and pasturage of such fermes, so that the increase thereof bee alwayes employed and put to, and for the only expenses in their housholdes and hospitalities, and not in any wyse to buye and sell againe, for any other commoditie, lucre, or aduauntage any corne or cattell, renewing, cōming, or growing, in and vppon any suche ferme, or otherwise, but onely the remayne and ouer plus aboue their expenses of their housholdes, if any such shall happen to the breed and encrease thereof, without fraude or couine. Any thing in this present act to the contrary hereof notwithstanding.

¶ And be it enacted by the auctheritie afore said, that if any persō or persons hauing one benefice with cure of soule, being of ỹ yerely value of viij. pounde or aboue, accepte and take any other with cure of soule, and be instituted and inducted in possession of ỹ same:

that then and immediately after such possess-
sion had thereof, the first benefice shalbe ad-
iudged in the lawe to be voyde. And that it
shall be lawfull to euery patron, having the
auowson thereof, to present another, and the
presentee to haue the benefite of the same, in
such like maner and fourme as though the
incumbent had died or resigned, any licence,
vnion, or other dispensation to the contrary
hereof obtained notwithstanding.

¶ And that euery such licēce, vnion, or dis-
pensation had, or hereafter to bee obtained
contrary to this present acte, of what name
or names, qualitie or qualities so euer they
be, shall be vtterly voyde and of none effecte.
And if any person or persones at any time
after the first day of Aprill, in the yere of our
lorde God. M.v.C. and xxx. contrary to this
present acte, procure and obtaine at the court
of Rome, or els where, any licence or licēces
vnion, tolleration, or dispensation, to receiue
and take, any moe benefices with cure, than
is aboue limitted, or els at any time after the
saide daye put in execution any such licence
tolleration, or dispensation, before that ob-
tained contrary to this acte, that then euery
such person or persones, so after the sayd day
suing for himselfe, or receiuing and taking
such benefice by force of suche licence or li-
cences, vnion, tolleration, or dispensation,
that is to say, the same person or persons on-
ly and none other, shal for euery such defaut,
incurre the daunger, peyne, and penaltie, of

xx.li.sterling. And also lose the whole pro-fites of euery such benefice or benefices, as he receiueth or taketh by force of any such licence or licences, vnion, tolleration, or dis-pensation. The one halfe of which forfaiture to be to the king our souereigne lorde, and the other half therof to him that will sue for the same by originall writte, bill, plaint of dette, or information in anye of the kinges courtes, in which action and suite no wager of law, essoine, or protection for the defen-dant shall be admitted or allowed.

¶ Prouided alwaies, that this acte concer-ning the not keping of moe benefices with cure of soule then one, extend ne be preiudi-ciall to any person or persons, which at any time before the saide first daye of Aprill, in the yere of our lorde God M.v.C. and xxx. shall be really intitled or possessed of any such benefices with cure of soule, as concerning or touching any of the same benefices, where of they shall than be all ready really intitled or possessed before the sayde daye, to or vnder the number of iij. and not aboue, and if any such spirituall person or persons so being in-titled or possessed of moe benefices with cure of soule than iij. do not by the said first day of Aprill clerely and without perely pension resigne or otherwise geue vp all and euerye such benefices and benefice as he shall be so entitled and possessed of, aboue the said num-ber, that then it shall be lefull for euery pa-tron hauing the aduowson of any such be-

nefice of the same in like maner and fourme as though it had bene voyde by death or resignation of the incūbent, any licence, vnion, or other dispensation to the contrary hereof obteined notwithstanding. And this clause of presentation to bee taken and vnderstanden, and of such benefices with cure of soule, as were geuen to any such spiritual persone after the saide number of iij. benefices with cure furnished and fulfilled.

¶ Prouided also, that al spirituall mē now being, or which hereafter shall bee of the kings counsaile, may purchase licence or dispensation, and take, receiue, and kepe three personages or benefices with cure of soule, & that all other being the kings chapleins, and not sworne of his counsaill, the chapleins of the queene, prince or princesse, or of any the kinges children, bretherne, sisters, vncles, or auntes, may semblably purchase lycence, or dispensation, and receiue and keepe two personages or benefices with cure of soule. And in likewise that euery archbishop and duke may haue vi. chapleines, whereof euery one shall and may purchase licence, or dispensation, and take, receiue, and keepe two personages or benefices with cure of soule, and that euery marques and earle may haue fiue chapleines, whereof euery one may purchase licence or dispensation, and take, receiue, and kepe two personages or benefices with cure of soule. And that euery viscount and other bishoppe, may haue foure chapleins, wher-

of

of euerie one may purchase licence, and receiue, haue, and keepe two personages or benefices with cure of soule, as is aforesaide. And that the chauncellour of England for the time being, and euery baron and knight of the Garter, may haue three chapleines, whereof euery one shal now purchase licēce or dispensation, and receiue, haue, and keepe two personages or benefices with cure of soule. And that euery duchesse, marques, countesse, & baronesse, being widowes, may haue .iij. chapleines, whereof euery one of thē may purchase licence or dispensation to receiue, haue, and keepe, two benefices with cure of soule, & that the treasourer & comptroller of the kings house, the kings secretary, & deane of his chappell, the kings amner, & ỹ master of the rolles, may haue eūy of them two chapleins, and the chiefe Justice of the kings benche one chapleine, and the warden of the fiue portes for the time being, one chaplein, whereof euery one may purchase licence, and receiue, haue and keepe two personages, or benefices with cure of soule. And that the brethren and sonnes of al temporal lords, which are borne in wedlocke, maye euerie of them purchase lycence or dispensation, and receiue, haue and keepe as manie personages or benefices with cure, as the chapleines of a duke or an archbishoppe. And likewise the brethren and sonnes borne in wedlocke of euerie knight, may euery of them purchase

licence or dispensation, and receiue take and keepe, two personages or benefices & cure of soule.

¶ Prouided alwayes, that the said chapleines so purchasing, taking, receiuing and keeping benefices with cure of soule as is aforesaide, shall be bounde to haue and exhibite where nede shall be, letters vnder the signe and seale of ỹ king, or other their lorde and master, testifying whose chapleins they be, and els not to enioy anie such pluralitie of benefices by such chapleine. Any thing in this act notwithstanding.

¶ Be it also prouided that al doctors and bacheliers of diuinitie, doctours of law, and bacheliers of lawe canon, and euery of them which shal be admitted to any the saide degrees, by anie of the vniuersities of thys Realme, and not by grace onely, may purchase licence, and take, haue, and keepe two personages or benefices with cure of soule so that alwaies the saide libertie by anie of the prouisions beforesaide giuen to anie of the said counsaillours, chapleins, and other persons before specified, to purchase licence or dispensation, and take, receiue, and keepe, mo benefices then one, after the maner and fourme aforesaide, be taken and vnderstanden to extende in number to no more benefices with cure of soule, thē is aboue limitted, accompting in the same and as parcell therof, such benefices with cure of soule, as any of the said persōs shal haue in real title

or

or in their possession, at the saide first day of Aprill, in ye yere of our Lord God. M.v.C. and xxx.

¶ Prouided also, that euery Archebishop, because he must occupie viij. chapleines at consecrations of bishoppes. And euery Bishoppe because he must occupie vj. chapeins at geuing of orders & consecration of churches, may euery of them haue ij. chapleines ouer and aboue the number aboue limitted vnto them, wherof euery one may purchase licence or dispensation, and take, receiue and keepe as many personages & benefices w cure of soule, as is before assigned to such chapleines:

¶ Prouided also, and be it enacted by aucthoritie aforesaid, that no person or persons to whom anie number of chapleines or any chapleine by anie of the prouisions aforesaid is limitted, shal in any wise, by colour of any of the same prouisions, auaūce any spirituall person or persons, aboue the number to them appointed, to receiue or keepe any mo benefices with cure of soule, then is aboue limitted by this acte, any thing specified in the saide prouisions notwithstanding, and if they doe, then euery such spiritual person and persons, so auaunced aboue the said nūber, to incurre the peine and penalty contained in this acte.

¶ Be it also furthermore enacted by the aucthoritie aforesaid, that as wel euery spiritual person nowe being promoted to anie

Arche-

Archdeacõry, deanry, or dignitie in any monasterie or cathedral church, or other church conuentual or collegiall, or beinge beneficed with anie personage or vicarage, as all and euery spirituall person & personnes, which hereafter shall be promoted to any of ỹ said dignities, or benefices, with anie personage or vicarage from the feast of saint Michel the archangel next comming, shal be personally resident and abiding in, at and vpon his saide dignitie, prebende, or benefice, or at one of them at ỹ least. And in case any such spirituall person at any time after the saide feast, kepe not residẽce at õe of his said dignities, prebend, or benefices, as is aforesaid, but absent him selfe wilfully by the space of one moneth together, or by the space of two moneths, to be accompted at seuerall times in any one yere, and make his residence and abiding in any other places, by such time, that then he shall forfait for euerie such default x.li. sterling. The one halfe thereof to the king our soueraigne lorde, and the other halfe of the same to the partie that will sue for the same in any of the kings courtes by original writte of debt, bill, plaint, or information. In which actiõ and suit the defendant shal not wage his lawe, nor haue anie essoine or protection allowed.

And if any person or persons procure or obtaine at the court of Rome or els where, anie maner of licence or dispensation to bee non resident at their saide dignities, prebend

or

or benefices, contrarie to this acte, that then euery such person or persons, putting in execution anie such dispensation or licence for him selfe, from the said first day of Aprill, in the yere of our lord god M.b.C.& xxx. shall runne and incurre in the penaltie, damage, and peine of xx. pounde sterlinge for euerie time so doinge, to bee forfaited and recouered as is aboue sayde, and suche licence or dispensatyon so procured, or to bee put in execution, to bee voide and of none effecte.

¶ Prouided alwaies that this acte of non residence shal not in anie wise extend ne bee prejudicial to any such spirituall person as shall chaunce to be in the kinges seruice beyond the sea, nor to anie person or persones goīg to any pilgrimage or holy place beyōd the sea, during the time that they shall so be in the kings seruice, or in their pilgrimages going and returning home, nor to any scholer or scholers being conuersaunt and abyding for studie, without fraude or couine, at any vniuersity within this realme or without, nor to anie of the chapleines of ỹ kings or Queenes daylie or quarterlie attending and abyding in the kingz or Queenes most honorable housholdes. Nor to anie of the chapleines of the prince or princesse, or anie of the kings or quœnes children, brethren or sisterne, attending daylie in their honorable housholdes, during so long as they shall attende in anie of their saide housholdes.

Nor

Nor to any chapleine of any Archbiſhop or biſhop, or of anie ſpiritual or tẽporal lordes of the parliament, daily attending, abiding, and remaining in anie of their honourable houſeholdes. Nor to anie chapleine of anie ducheſſe, marques, counteſſe, vicounteſſe, or baroneſſe, attending daylie and abiding in anie their honorable houſholdes, Nor to any chapleine of the lord Chañceliour or Treaſorer of England, the kings Chamberleine or ſtewarde of his houſeholde for the time being, the treaſourer and comptroller of the kinges moſt honourable houſholde for the time being, attending daily in any their honorable houſeholdes. Nor to anie chapleine of any of the knightes of ẏ honorable order of the garter, or of the chiefe Juſtice of the kinges benche, warden of the portes, or alſo of the maſter of the rolles. Nor to any chapleine of the kinges ſecretarie and deane of the Chappel, or amner for the time being, daily attending and dwelling in anie their houſeholdes, during the time that anie ſuch chapleine or chapleines ſhal abide and dwel without fraude or couine, in anie of the ſaid honorable houſeholdes. Nor to the maſter of the rolles, or deane of the arches. Nor to any chañcellour or commiſſary of any archbiſhoppe or biſhoppe. Nor to as many of the xij. maſters of the chañcery, and xij. aduocats of the arches, as be or hereafter ſhal be ſpiritual men, during ſo long time as they ſhal occupy their ſaid roumez & offices.

Nor

Nor to any such spirituall persons, as shall happen by iniunction of the lord chaūcellor or the kinges counsel to be bounde to anye daily apparance and attendance to answere to the law, during the time of such iniunction.

¶ Prouyded also that it shall be lefull to euery spirituall persō or persons, being chaplaines to our soueraigne lord the kinge, to whom it shal please his highnes to geue any benefices or promotions spirituall, to what number soeuer it be, accept and take the same, without incurringe the daunger, penaltie, and forfaiture in this estatute cōprised. And that also it shal be lefull to the kinges highnes to geue lycence to euery of his owne chapleins for none residence vpon their benefices. Any thing in this presente acte contained to the contrary notwithstanding.

¶ And be it furthermore enacted by the authoritie aforesaide, that no spirituall parson, seculer or reguler, beneficed with cure, as is afore rehersed, from the feast of Saint Myghel tharchāgel next comming, by authoritie of any maner licens, dispensation, or otherwise, shal take any particular stipēd or salarie to sing for any soule, nor haue or occupie by himselfe, or by any other to his vse, any personage, or vicarage in ferme of the lease or graunt of anye persone or persones, nor take any profite or rent out of any suche ferme, vppon peine to forfaite xl.s. for

euery

euery such weeke that he or any to his vse shal occupie, or haue any such stipende or ferme contrary to this present act. And vpō peine to lose x. times the value of such ꝓfit or rēt as he shal take out of any such ferme after the saide feast. The one halfe of which forfaitures to be to the king our soueraigne lord, & the other moity to him that will sue for the same by original writte, bil, plaint of debt, or by information in any of the kings courtes, in which suit & action no wager of law shalbe admitted for the defendant, nor any essoine or protection allowed.

¶ Prouided alway that no deanrie, archdeaconrie, chauncellourship, treasorership, chauntership, or prebende in anie cathedrall or collegial church, nor personage that hath a vicar indued, nor any benefice perpetually appropriate, be takē or comprehended vnder the name of benefice, hauing cure of soule in any article afore specified.

¶ Prouided also and be it enacted by the authoritie aforesaide, that no spiritual person or persons reguler or seculer, of what estate, degree, or condition so euer he or they be, from the first daye of Aprill next comming, haue, vse, or keepe, by him or thē selfe, or by any person or persons to his or their vse or commodity, any maner of tāne house or tāne houses, to be vsed or occupied to his or their owne vse, commoditie, or behoofe nor from the said first day of Aprill next cōming, shal haue, vse or keepe any maner of

brew-

brewhouse or brewhouses to any other vse intent or behoofe, then only to be spent and occupied in his or their owen houses, vppon peine to forfaite for euery moneth so vsinge and occuppying any of the said misteries, or occupations, x.li. The one moitie thereof to the king our soueraign Lord, and the other moity to him that will sue for the same by originall writ, bille, plaint of det, or informacion in any of the kinges courtes, in which action and suite no wager of law shalbe admitted for the defendant, ne any essoigne, or protection allowed.

¶ Prouided alwayes, that euery duches, marquesse, countesse, baronesse, widowes, which haue taken, or that hereafter shall take any husbandes vnder the degree of a baron, may take such number of chapleines as is aboue limitted to thē being widowes and that euery such chaplein may purchase licence to haue and take such number of benefices with cure of soule, and haue like libertie of non residence in maner & fourme as they might haue done if their said ladies & maistresses had kept thē selues widowes Any thing in this present act contained to the contrary notwithstanding.

¶ Prouided alwaies, that euery spirituall personne or personnes, hauing landes, tenementes or other possessions in the right of their houses, aboue the yerely value of viij. C. marks, may keepe & retaine in their occupation and manurance, as much as their

said

said landes and tenementes, and other possessions, as shalbe necessarie and sufficient for pasturage of their catelles, and for tillage of cornes to be employed and spent for the only maintenance, sustentation, and keeping of his or their housholdes and hospitalities, without fraude or couine, any thing in this present acte to the contrary thereof notwithstanding.

¶ Prouyded alway that it may be lawful to euery spirituall person and personnes, to take in ferme any meases, mãtiõs or dwelling houses, hauing but onely orchardes, or gardeines, in any citie, borough, and towne for their owen habitation or dwelling. Any thing in this acte to the contrary notwithstanding. So that no person spiritual other then be aboue prouided for, for theire non residence haue any libertie of non residence by colour of this prouiso: | See the statutes made 25. Henry. 8. cap. 16. and 28. H. 8. capit 13. and 33. H. 8. ca. 28. in Residẽce 3. 4. and 5. who els may haue dispensation & be non resident. |

¶ An acte that al fermers, may enioy their leasses against recoueries had by fained titles, and falsifie the same recoueries. 21. H. 8. cap. 15. Recoueries. 2.

WHere afore this time diuers persons haue made leases of their maners, landes, tenementes, and other hereditamentes, sometime by their indentures, & sometime without writings to other persons for terme of yeares, taking of thē great fines for the incummes of the same leases, & after the same leassours, their heires or assignes, haue caused and suffered recoueries to be had against them in the courte of our soueraigne lord the king, and in other lordes courtes, vpon fained & vntrue titles, by craft and couine, to put the saide termers frō their said termes. And after such recoueries had, the same recouerers, by reason of such recoueries and iudgements, haue entred into the same manours, landes, tenements, and other hereditaments, so to ferme letten, and therof haue expulsed the saide formers, contrary to their said leases, couenaunts & agreementes, And because it was doubted to some persōs whether the said termers might falsifie such recoueries or not:

¶ Be it therefore enacted by the king our soueraigne lord, by the assēt of the lords spiritual & temporal, & the cōmons in this present parliament assembled, & by the auctoritie of the same, that al such fermers shall & may

may falsifie for his terme onely, suche recoueries, as well heretofore had as hereafter to be had, in such wise & fourme as a tenant of a free holde, shall and may do by the course of the cõmon law, where suche tenant of free hold was neither priuie nor party to ỹ same recouery. And that the same termers, their executours and assignes, notwithstanding suche recoueries so had, shall retetne, holde, & enioye their said termes according to their said leases against all such recoverors, their heires and assignes. And that the said recouerours their heires and assignes, after such recouery so had, shall haue like remedy against the saide termers, their executours and assignes, by auowrye or action of debt for the rentes and seruices reserued vpon the same leases, being due after the same recoueries, and also like actions against them for wast done, after the same recouerues so had, in lyke manner and fourme as the saide lessours should or might haue had, if the same recoueries had neuer bẽ had. And also be it further enacted by the authoritye aforesaide, that no maner of statute of the staple, statute marchant, nor execution by elegit, be hereafter auoyded, or in any wyse made frustrate, by meanes of any suche feyned recouery, but that all persons hauing auye landes, tenementes or other hereditamentes in execution, or being intituled to haue execution of any mannours, landes or tenementes, by any suche meanes, shall haue

by

by force of this estatute like remedie to auoid and falsifie the same recoueries, as before is ordeined & prouided for the lesse for terme of yeares.

Auowrie.

¶ An act concerning Auowries. Anno. 21 H. 8. Cap. 19. Auowrie. 1.

WHereas well the noble men of this realme, as diuers other persons, by fines, recoueries, grauntes, and secret feoffements & leases, made by their tenants to persons vnknowen, of the landz & tenements holden of them, haue ben put frō the knowledge of their tenants, vpon whō they should by order of the law make their auowries, for their rentes, customes, & seruices, to their great losses & hindrances: ¶ Be it therefore enacted, established, and ordeined, by authoritie of this present parliament, that whersoeuer anie manours, landes, tenements, and other hereditamēts be holden by any maner person or persons, by rentes, customes or seruices, that if the lorde, of whom anie such manners, landes, tenementes, or hereditamentes be so holden distraine vpon the same mannours, landes or tenements, for any such rentes, customes or seruices, & repleuin therof be sued, that ye lord, of whom the same lands, tenementes,

or hereditamẽts be so holden, may auow, or his bailife or seruant make conisance, or iustifie for taking of the said distresses, vppon the same lãdes, tenements, or hereditamẽts, so holden, as in landes, or tenements within his fee or seignorie, alleging in ỹ said auowrie, conisance and iustification, the same manours, lands and tenements to be holden of him without naming of any person certain to be tenaunt of the same, and without making any auowrie, iustification or conisance vpon any person certaine. And likewise the lord, bailie, or seruaunte to make auowrie, iustification or conisance, in like maner and fourme vpon euery writte sued of seconde deliuerance.

¶ And also be it enacted by the saide authoritie, that euery auowãt, and euery other person and persons, that make any such auowrie, iustification or conisaunce, as bailye, or seruant to any person or persons in any replegiare, or seconde deliueraunce, for rents customes, seruices, or for damage fesant, or other rent or rents, vpon any distres taken in any landes or tenementes: if the same auouwrie, conisance, or iustification be found for them, or the plaintifes in the same bee nonsuite, or otherwise barred, that then they shall recouer their damages & costs against the saide plaintifes, as the same plaintifes should haue done or had, if they had recouered in the replegiare, or secõd deliuerance found against the said defendants. ¶ Se be-

fore

fore. Anno. 7. H. 8. cap. 4. Recoueries. 1.

¶ And be it also ordeined, that the saide plaintifes and defendants in the said writs of replegiare, or writs of second deliueraūce and in euery of them, shall haue like plees, & like aide and praiers in all such auowries, conisances, & iustifications, plees of disclaim onely except, as they might haue had before the making of this acte, & as though ỹ said auowrie, conisāce, or iustification had beene made after the due order of the cōmon law. ¶ And it is further enacted by the said auc= thoritie, that all such persōs as by the order of the common law may lawfully ioine to the plaintifes or defendāts in the said writs of replegiare or seconde deliuerance, as well without pces as by proces, shal frō hence= forth ioine vnto the said plaintifes or defen= dāts, as well without proces as by pces, & to haue the like plees & like auātages, in all things (disclaim only except) as they might haue done by the order of the cōmō law be= fore the making of this acte.

Attaint.

¶ An acte concerning periurie and punish= ment of vntrue verdictes. 23. H. 8. cap. 3. Attaint. 15.

THe king our soueraign lord, of his most godly & gracious dispositiō, calling to his remēbrāce, how that piury in this

lande is in manifolde causes, by vnreasonable meanes, detestably vsed to ỳ inheritance and great damage of manye and great nombre of his subiects, well disposed, and to the most high displesure of almighty God. The good statutes against all officers hauing returne of writtes and their deputies making panels partially for rewardes to them geeuen, against vnlawfull maintenours, embracours, and Jurours, and against iurours vntruely geeuing their verdict, notwithstanding. For reformation whereof, and for as much as the late noble king Hẽrye the seuenth, prouided remedye for the same by a statute made in the seuenth yere of his reigne. |cap. 24.| which statute is now expired. Bee it therefore nowe enacted by the kyng oure soueraigne lorde and the lordes spirituall and temporall, and the commons in this present parlyament assembled, and by authoritie of the same, that vppon euerye vntrue verdicte hereafter geeuen betwixt partie and partie, in anye suyte, playnte or demaunde, before anye Justices or Judges of recorde, where the thing in demaunde and verdicte thereupon geeuen, extendeth to the value of forty pounde, and concerneth not the ieoperdy of mans life, the partye greeued by the same verdicte, shall haue a writte of attaynt against euerye personne hereafter so geeuing an vntrue verdicte in euerye of them, and

against

against the partie, which shall haue iudgement vppon the same verdicte. And that in the same attaint, there shalbee awarded against the petite Jurie, the partie, and the graunde Jurie, Sōmons, Relom̄, and distresse infinite, which graund iurie shal bee of like number as the graunde iurie is nowe in attaint, and euerie of them, that shall passe in the same, shall haue landes & tenements to the value of twentie markes by the yeare, of freeholde, out of the auncient demesne. And vpon the distresse which shall bee deliuered of recorde, vpon the same open proclamation to be made in the court where the distresse shalbee awarded more then fifteene dayes afore the retourne of the same distresse, and euerie such distresse shall bee made vppon the lande of euerie of the saide graunde iurie, as in other distresses is and hath ben vsed. And if the saide partie defendant, or the petite iurrours, or anie of them appeare not vpon the distresse, then the graunde iurie to be taken against them and euerie of them that shall so make defaute. And if anie of the saide petite iurie appeare, then the partie complaynant in that behalfe, shall assigne the false seremēt of the first verdict vntruelie geuen, whereunto they of the petite iurie shall haue none aunswere (if they bee the same persones, and the writte, proces, retorne and assignement good and lawefull, except that the demaundaunt or pleyntife in the same

Attaint hath afore ben nonsuit, or discontinued his suit of attaint taken for ỹ same, or hath for ỹ same verdict in a writ of attaint had iudgement against the said petit iurie) but onely ỹ they made true serem̄et, which issue shal be tried by xxiiij. of the said graund iurie, & the party shall pleade, that they gaue true verdict, or anie other matter, which shall be a sufficient barre of the said attaint, And that plee notwithstanding the graūd iurie to be taken without delay, to enquire whether the first iurie gaue true verdict or no. And if they finde that the saide petit iurie gaue an vntrue verdict, th̄e euery of the saide petit iurie to forfait xx.li. whereof the one halfe shal be to the king our soueraigne lorde, & the other halfe to the party that sueth. And ouer that, that euery of ỹ said petit iurie shal seuerally make fine & raūsome by the discretiō of the Justices, before whō the said false serement shall be founde after their seueral offences defautes and sufficyencie of euerie of the saide petite iurie. And after that, that those of the saide petite iurie so attainted shall neuer after be in any credence, nor their othe accepted in anie court. And if such plee as ỹ party pleadeth, which is a barre of the said attaint, bee founde, or deemed against him that so pleadeth, th̄e the party that so sueth shal haue iudgement to be restored to that he lost with his reasonable costes and damages.

¶ Forseene alway that anie vtlarye in action or

action or cause personal, or excōmengement pleaded or alledged in the partie plaintise or demaūdāt shalbe taken but as a void plee, & to that he shal not be put to aunswere. And that in all the aforesaide processe suche daye shalbe geuē as in a writ of Dower, & none essoine or protection to lie nor to be allowed in the same. And if the said graūd iurie appeare not vpon the first distresse had against them, so that the iurie for their defaut do remaine, he that maketh defaute shall forfait to the king twenty shillings, and vpon the secōd distresse forty shillings and after makīg defaut, for euery such defaut fiue poūd. And like penalties and forfaitures to be against them and euerie of them that shalbe named in the Tales, as is afore expressed against euery of the saide graund iurie aforesaide. And that for and by the death of the partie or anie of the said petit iurie, the said attaint shal not abate, nor be deferred againſt the remnant, as long as two of the said petite iurie be alitue.

And if hereafter any false verdit be geuen in any action, suite or demaunde, afore anie Justice or iudge of record, of any thing personal, as debt, trespas, and other like, which shalbe vnder the value of forty pound, that then the party greued shall haue attaint, & such proces and plees as is afore rehearsed, and delaies to be takē away as is afore remembred: except that in this case of attaint euery person of the graunde iurie that may

dispend

dispend v. marks by the yere of freehold out of auncient demesne, or is worth an hudred marke of goods and cattalles, shalbe able to passe in the same attait. And if the petit iurie be attainted, that then they shall in this case of attaint euerie of them forfait v. li. whereof one halfe shalbe to the king, & the other halfe to the party, after the fourme afore rehersed, & ouer ꝑ to make fine & raunsome by the discretion of the Justices, as is aforesaid. ¶ And if there be not personnes of such sufficiencie within the shire or place where anie of the said attaints shalbe taken as may passe in the same, be it ordeined by ꝑ aucthoritie abouesaid, that then one Tales shalbe awarded into the shire next adioinig by the discretion of the Justices, afore whō the same attaints shalbe taken, which shalbe warned to appeare bpō like paines as is aforesaid, and enabled to passe in the said attaints, as if they were dwelling in ꝑ shire, where the same attaint shalbe taken. And that the same lawes, action and remedy ordeined by this ꝓsent act, be kept for and to all them that shalbe greeued by such vntrue verdicts of any inheritāce, in discent, reuersion, remaindre, or of any freehold in reuersion or remaindre. And if the party in attaint geuen by this act be nōsuit, or ꝑ same discōtinue, that then the same partie so nōsuit, or so discōtinuing the said attaint, make fine & raūsō by ꝑ discretiō of ꝑ iustices afore whō the said attaint ꝯhalbe taken & depending.

¶ And

¶ And that all attaintes hereafter to bee taken, shalbe taken afore ye king in his bēche or afore the Justices of the cōmō place and in none other courtes. And that Nisi prius shalbe graūted by discretion of the Justices vpon the distresse. And euery of the said petit iurie may appeare & aūswer by attorney in the said attaīt. And ye the moity of ye said forfaiture of the petit iurie shal bee leuied to thuse of our soueraigne lord by Capias ad satisfaciend, or Fieri fac, or Elegit, or by action of debt against euerie pson of the petit iurie so forfaiting, & against his executours and administratours, hauing then sufficient goods of their said testator not administred and the other moitie shal by like processe be leuied to the vse of the partie that sueth any attaint geuen by this acte, against euerie of the said petit iury and his executours or administratours, hauing then sufficiencie of goods as is aforesaide not administred: and the iudgement of restitution to the partie greeued suing this act and execution of the same to be had, and like iudgement for the partie defendant or tenant to bee discharged of restitution, as afore this presēt act in case of a grād attaint hath bē vsed. And if there bee diuers pleintifes or demaundauntes in attaynt, that the nonsuite or release of anie of them shall not bee in anie wise hurtfull or preiudiciall to the residue, but that they & euerie of thē in such cases may

bee

be sōmoned & seuered like as it is vsed whē there be diuers demaūdāts in actiōs reals.

¶ Be it also ordeined and enacted by the authoritie abouesaid, that in euery writ of attaint hereafter to be taken by or vpō this act, the which shalbe such as other writs of attaint bee, and after the Teste of the same writ, shalbe written these wordes in latin: Per statut' continuat' vsqne annū vicesimum tertium domini Henrici octaui dei gratia Anglię & Franc. regis, fidei defens. & domini Hibern.

¶ And it is also enacted, that this act shal take effect for verdicts hereafter to bee geuen & to continue to the last day of the next parliament.

¶ Prouided alway, that this act be not preiudicial to a statute made in the xj. yere of the late king of famous memory Hēry the viij. for punishmēt of periury in vntrue verdicts geuen in plaintes sued in the courtes of the citie of London, but that it shall be at the libertie of al persons for and vpon anie vntrue verdict geuen in any courtes of the same citie, to sue their attaint vpon this estatute, or els vpon the said estatute made in the saide xj. yere at their owne pleasures & willes. | See An. 11. H. 7. ca. 21. Attaint 13.

¶ For attaints in London. Note y this statut is made perpetual. Anno, 13. Elizab. cap. 25.

¶ An

¶ An acte expressing an order for vses and willes. 27. H. 8. cap. 10. Vses. 9.

WHere by the common lawes of this realme, landes, tenements and hereditamentes, be not diuisible by testament, nor ought to be transferred, from one to an other, but by solemne liuery and seasō matter of recorde, writing sufficient, made bona fide without couine or fraude, yet neuertheles, diuers and sundrie imaginations, subtile inuentions and practises haue ben vsed: whereby the hereditaments of this realme haue ben conueied frō one to another by fraudulent feoffements, fines, recoueries and other assurances craftily made, to secret vses, intents and trustes, and also by willes and testaments, sometime made by nude parol and woordes, sometime by signes & tokens, and sometime by writing, and for the most part made by such persons as be visited with sickenes in their extreame agonies and paines, or at such time as they haue had scantly any good memorie or remembrance: at which times they being prouoked by gredy and couetous persons, lying in a wayte about thē, do many times dispose indiscretly and vnaduisedly their landes and inheritances, by reason wherof & by occasiō of which fraudulent feoffements, fines, recoueris, and other like assurances to vses, confidences & trustes, diuers and many heires haue bene

iniustly at sundry times disherited, the lords haue lost their wardes, mariages, reliefes, harriots, eschetes, aides pur faire fitz chiualer, & pur file marier, and scantly any person can be certainly assured of any landes by thē purchased, nor knowen surely against whō they shall vse their actions or execution for their rightes, titles and dueties. Also men maried haue lost their tenants by the curtesie, women their dowers, manifest pariuries, by triall of such secret willes and vses, haue bene committed. The kinges highnesse hath loste the profittes and aduauntges of the landes of personnes attainted, and the landes craftely put in feoffement to the vses of alyens borne, and also the profites of waste for a yeare and a daye, of landes of felons attainted, & the lordes their eschetes thereof, and manye other inconueniences haue happened and dayly do encrease among the kinges subiectes, to their great trouble and inquietnes, and to the vtter subuersion of the auncient cōmon lawes of this realme. For the extirping and extinguishment of all suche subtill practised feoffementes, fynes, recoueryes, abuses, and errours, heretofore vsed and accustomed in this realme, to the subuersion of the good and auncient lawes of the same, and to thintent that the kynges highnesse, or anye other his subiectes of this realme shall not in anye wyse hereafter by anye meanes, or inuentions, bee deceiued, domaged or hurted, by reason of

ſuche truſtes, vſes or confidences, it maye pleaſe the kynges moſt royall maieſtie, that it may bee enacted by his highnes, by thaſſent of the lordes ſpirituall and temporall, & the commons in this preſent parliament aſſembled, and by auctoritie of the ſame, in manner and forme followyng: that is to ſay, that where any perſon or perſones ſtand or be ſeaſed, or at any time hereafter ſhall happen to be ſeaſed, of & in any honours, caſtels, manours, landes, tenementes, rentes, ſeruices, reuerſions, remainders or other hereditamentes, to the vſe, confidence or truſt of any other perſone or perſones, or of anye body politique, by reaſon of anye bargayne, ſale, feoffement, fine, recouerye, couenaunt, contract, agreement, will or otherwyſe, by any manner meanes whatſoeuer it bee, that in euerye ſuche caſe, all and euery ſuch perſonne and perſonnes, and bodies politique, that haue or hereafter ſhall haue anye ſuche vſe, confidence or truſte, in fee ſimple, fee taile for terme of lyfe or of yeares, or otherwyſe or any vſe, confidence or truſt in remainder or reuerter, ſhall from henceforth ſtande and be ſeaſed, deemed, and adiudged in lawefull ſeaſon eſtate and poſſeſſion, of & in the ſame honours, caſtels, manours, landes, tenements, rentes, ſeruices, reuerſions, remainders, and hereditamentes, with their appurtenaunces to all intentes conſtructions and purpoſes in the lawe, of and in ſuche like eſtates, as they had or ſhall haue

in vſe,

in vſe, truſt, or confidence, of or in the ſame. And that the eſtate, title, right and poſſeſſion that was in ſuch perſon or perſons, ỹ were, or hereafter ſhalbe ſeaſed, of any landes, tenementes or hereditamentes, to the vſe, confidẽce or truſt of any ſuch perſon or perſons, or of any body politike, bee from henceforth clerely deemed and adiudged, to be in him or them that haue or hereafter ſhall haue ſuch vſe, confidence or truſte, after ſuch qualitie maner fourme and condition, as they had before, in or to the vſe, confidence or truſt, that was in them.

¶ And be it further enacted by the auctoritie aforeſayd, that where diuers and many perſons, bee or hereafter ſhall happen to bee iointly ſeaſed, of and in all lands, tenements, rents, reuerſions, remainders or other hereditaments, to the vſe, confidence or truſt of any of them, that be ſo iointly ſeaſed, that in euery ſuch caſe, that thoſe perſon or perſons, which haue or hereafter ſhall haue, any ſuch vſes, confidence or truſt, in any ſuch landes, tenementes, rentes, reuerſions, remainders, or hereditamentes, ſhall from henceforth, haue and bee deemed and adiudged to haue, onely to him or them, that haue or hereafter ſhall haue ſuche vſe, confidence or truſt, ſuch eſtate, poſſeſſion and ſeaſon, of and in ỹ ſame landes, tenementes, rentes, reuerſions, remaynders, or other hereditamentes in lyke nature, maner, fourme, condition, and courſe, as he or they had before in the vſe, confidence,

confidence or trust of the same landes, tenementes, or hereditamentes. Sauing, and reseruing to all and singuler persons and bodies politike, their heires and successours, other then those person or persones, which be sealed or hereafter shalbe sealed of any lands tenemēts or hereditamēts to any vse, confidence or trust, al such right, title, entrie, interest, possession, rents and action, as they or any of them had or might haue had before the making of this acte.

¶ And also sauing to all and singuler those persons, and to their heires, which be or here after shalbe sealed, to any vse, all such former right, title, entrie, interest, possessions, rents, customes, seruices, and action, as they or any of them might haue had to his or their owen proper vse, in or to any manours, landes, tenementes, rentes, or hereditamentes, wherof they be or hereafter shalbe sealed to any other vse, as if this present act had neuer ben had nor made: any thing contained in this acte to the contrary notwithstanding.

¶ And where also diuers persons stand and be sealed of, and in any landes, tenementes, or hereditamentes, in fee simple, or other wise to the vse or intēt that some other person or persons, shal haue and perceiue yerely to them and to his or their heires one annual rent, of tenne pounbes or more or lesse out of the same landes and tenementes, and some other person one other annuall rent to him & his assignes for terme of life, or yeares, or for

ſome other ſpeciall time, according to ſuche intent and vſe, as hath bene heretofore declared limitted and made thereof. Be it therfore enacted by the auctoritie aforeſaid that in euery ſuche caſe, the ſame perſones their heires and aſſignes, that haue ſuche vſe and intereſt, to haue and perceiue any ſuch annuall rentes out of any landes, tenementes, or hereditamentes, that they and euery of them their heires and aſſignes, bee adiudged and deemed to bee in poſſeſſion and ſeiſon of the ſame rent, of and in ſuche like eſtate, as they had in the title intereſt or vſe of the ſayde rent or profite, and as if a ſufficient graunt or other lawful conueiance had bē made and executed, to them, by ſuche as were or ſhal bee ſeaſed to the vſe or intente of anye ſuche rente to bee had made or payde, according to the verye truſte and intent thereof. And that all and euery ſuch perſon and perſones, as haue or hereafter ſhall haue, any title, vſe and intereſt, in or to any ſuch rent or profite, ſhall lawfully diſtreine for none paiment of the ſaid rent, and in their owne names make aduowries, or by their Bailifes or ſeruants make cogniſances & iuſtifications, & haue all other ſuits entries, & remedies, for ſuch rēts as if the ſame rents had bē actually & really graunted to them, with ſufficient clauſes of diſtres reētry or otherwiſe, according to ſuch conditions paines or other things limitted and appointed vpon the truſt and intent for payment of ſuertie of ſuch rent.

¶ And

¶ And be it further enacted by the auctho=
ritie aforesaid, that where as diuers persōs
haue purchased or haue estate made & con=
ueied of and in diuers landes, tenementes &
hereditaments vnto them & to their wiues
and to the heires of the husbande, or to the
husband & to the wife, and to the heires of
their two bodies begotten, or to the heirz of
one of their bodies begotten, or to the hus=
band and to the wife for term̄ of their liues
or for terme of life of ẏ said wife. Or where
anie such estate, or purchase of anie landes,
tenements, hereditamēts, hath ben or here=
after shalbe made to anie husbād and to his
wife, in maner and fourme aboue expressed,
or to anie other person or persons, & to their
heires and assignes, to the vse & behoofe of
the saide husband and wife, or to the vse of
the wife, as is before rehearsed, for the ioin=
ter of the wife: that then in euery such case,
euery woman maried, hauing such iointer
made or hereafter to be made, shal not claim̄
nor haue title to haue any dower of the re=
sidue of the lands, tenemēts or hereditam̄ts
that at any time were her said husbands by
whō she hath any such iointer, nor shal de=
maund nor claime her dower of and against
them that haue the landes and inheritaun=
ces of her saide husbande. But if she haue
no such iointer, then she shall bee admitted
and inhabled to pursue, haue and demaunde
her dower by writte of dower, after the
due course and order of the common lawes

of this Realme: this act or any law or pui-
uision made to the cõtrary therof notwith-
standing.

¶ Prouided alway, that if any such wo-
mã be lawfully expulsed or euicted frõ her
said iointer, or from any part thereof, with-
out any fraude or couine, by lawfull entre,
action or by discontinuance of her husband,
then euery such woman shal be endowed of
as much of the residue of her husbandes te-
nementes, or hereditamentes, whereof she
was before dowable, as the same landz and
tenements, so euicted and expulsed, shall a-
mount or extend vnto.

¶ Prouided also, that this acte or anie
thing therein contained or expressed, extende
or be in any wise hurtful or preiudicial to a-
nie woman or women, heretofore being ma-
ried, of for or concerning such right, title, vse
interest or possession, as they or any of them
haue claime or pretende to haue for her or
their iointer or dower, of, in or to anie ma-
nours, landes, tenementes, or other hered-
tamentes of any of their late husbands, be-
ing now dead or deceased, any thing contai-
ned in this act to the contrary notwithstã-
ding.

¶ Prouided also, that if any wife haue or
hereafter shal haue any maners, landes, te-
nements, or hereditaments, vnto her geuen
or assured after mariage, for terme of her
life, or otherwise in iointer, except the same
assurance bee to her made by acte of parlia-
ment,

ment,and the ſaid wife after that fortune to ouer liue the ſame her huſbande, in whoſe time the ſaide iointer was made or aſſured vnto her,that then the ſame wife,ſo ouer liuing,ſhall and may at her libertie, after the death of her ſaide huſband,refuſe to haue & take the landes, and tenementes, ſo to her geuen,appointed or aſſured, during the couerture,for terme of her life or otherwiſe in iointer: except the ſame aſſurance be to her made by acte of parliament, as is aforeſaid, and thereupon to haue,aſke,demaunde and take her dower,by writ of dower,or otherwiſe,according to the common law, of and in all ſuch landes,tenements,and hereditamentes,as her huſband was and ſtoode ſeiſed of any ſtate of inheritance, at anie time during the couerture, anie thing contayned in this act to the contrarie in any wiſe notwithſtanding.

¶Prouided alſo that this preſent act nor any thing therein contained,extende,nor bee at any time hereafter interpreted, expoũded or taken,to extinct,releaſe, diſcharge or ſuſpend,any ſtatute,recogniſance,or other bõd by the execution of any eſtate, of, or in anie landes, tenementes, or hereditamentes, by thauthoritie of this acte, to any perſõ or perſons or bodies politique,any thing contained in this act to the cõtrary therof notwithſtanding.

¶And forasmuch as great ambiguities & doubts may arise of ỹ validity & invalidity

of willes heretofore made of anie lands, tenements, and hereditamentes, to the great trouble of the kinges subiectes, the kinges most royal maiestie minding the tranquilitie and rest of his louing subiectes, of his most excellent and accustomed goodnes is pleased and contented, that it bee enacted by thauthoritie of this present parliam̃t, ỹ al maner true and iust willes and testamentes, heretofore made, by anie person or persones, deceased, or that shall decease, before the firste day of May, that shall be in the yere of our lord god M.v.C.xxxvj. of anie lands, tenements, or other hereditamentes, shalbe taken and accepted good and effectuall in the lawe, after such fashion, maner and fourme, as they were cõmonly taken & vsed, at anie time within forty yeres next afore the making of this act, anything cõtained in this act, or in the preamble thereof, or anie oppinion of the common lawe to the contrarie thereof notwithstanding.

¶ Prouided alwaies, that the kings highnes, shall not haue, demaunde, or take, any aduauntage or profite, for or by occasion of the executing of anie estate onelie by authoritie of this acte, to anie persone or persons, or bodies politique, which now haue, or on this side the saide first day of Maye, which shall bee in the yeare of our Lorde god. M.v.C.xxxvj. shall haue, anie vse or vses, trustes, or confidences, in anie manours, landes, tenementes, or hereditaments

mentes, holden of the kinges highnes, by reaſon of primer ſeyſon, liuerie, ouſter le maine, fine for alienation, relefe, or harriot but that fines for alienations, relefes, and hariottes, ſhal bee paide to the kings highneſſe. And alſo liueries and ouſter le mains ſhal be ſued for vſes, truſtes, and confidences to bee made and executed in poſſeſſion, by auctoritie of this acte, after and from the ſayde firſte daye of May, of landes, and tenementes and other hereditamentes holden of the king in ſuch like maner and fourme, to all intentes, conſiderations, and purpoſes as hath heretofore ben vſed or accuſtomed by ye order of ye lawes of this realm ¶ Prouided alſo, that no other perſon or perſons or bodies politique, of whom anie lãds, tenements, or hereditamts be or hereafter ſhal be holden, mediate or immediate, ſhal in any wiſe demaund or take, anie fine, relefe, or hariot, for or by occaſion of ye executing of any eſtate by ye auctoritie of this act to any perſon or perſons or bodies politique, before ye ſaid firſt day of May, which ſhall bee in the yere of our lord god. 1536. ¶ And be it enacted by auctority aforeſaid that all and ſinguler perſon and perſons, & bodies politique, which at any time on this ſide the ſaid firſt day of May which ſhalbe in the yere of our lord god 1536. ſhall haue anie eſtate vnto them executed, of and in anie landes, tenementes, or hereditamentes, by the auctoritie of this acte, ſhall

and may haue and take the ſame or like aduauntage,benefite,voucher,ayde praier, remedy,commoditie and profite,by action,entrie,conditiō or otherwiſe, to al intents cōſtructions and purpoſes,as the perſonne or perſons ſeiled to their vſe,of,or in any ſuch landes,tenementes , or hereditamentes , ſo executed,had,ſhold,might or ought to haue had,at the time of the execution of the eſtate therof,by the aucthority of this act,againſt any other perſon or perſones,of, or for anie waſte,diſſeiſin , treſpas , condition broken, or any other offence,cauſe or thing concerning or touching the ſaid lands or tenemēts ſo executed by the authoritie of this act.

¶ Prouided alſo, and be it enacted by the auctho̅itie afore ſaid,that actions nowe depending againſt any perſon or perſons,ſeyſed of or in any lands,tenements,or hereditaments,to any vſe,truſt or confidence, ſhal not abate ne be diſcharged for or by reaſō of executing of any eſtate therof by auctho̅ity of this acte,before the ſaid firſt day of May which ſhalbe in the yere of our Lord God. 1536.any thing contained in this act to the contrary notwithſtanding.

¶ Prouided alſo, that this act nor anie thing therein contained,ſhal not be preiudicial to the kings highnes, for wardſhippes of heires now beīg within age,nor for liueries or for ouſter le maines,to be ſued by anie perſon or perſonnes, nowe being within age,or of full age, of any lands or tenemēts

vnto

vnto the same heire or heires nowe alreadie discended, any thing in this act contained to the contrary notwithstanding.

¶ Prouided also, and be it enacted by the auctoritie aforesaide, that all and singuler recognisances heretofore knowledged, takē or made, to the kinges vse, for or concerning any recoueries of any landes, tenements or hereditamentes heretofore vsed or had, by writ or writtes of entre vpon disseisin in le post, shal from henceforth be vtterly voyde and of none effecte to all intentes, constructions, and purposes.

¶ Prouided also, that this acte, nor any thing therein contained, be in any wise preiudicial or hurtful to any person or persons borne in Wales, or the marches of the same which shal haue any estate to thē executed by auctoritie of this act, in any landes, tenementes, or other hereditamentes, within this realme, wherof any other person or psons now stand or be seised, to the vse of any such person or persons borne in Wales or ẏ marches of the same: but that the same person or persōs borne in Wales or ẏ marches of the same, shal or may lawfully haue retaine and kepe the same lands, tenements or other hereditaments, whereof estate shal be so vnto them executed by the auctoritie of this act, according to ẏ tenour of ẏ same any thing in this act cōtained, or any other acte or prouision heretofore had or made to the contrary notwithstanding.

¶ An

Inrollements.

¶ An acte concernig Inrolmentes of bargaines and contractes of landes & tenements. an. 27. H. 8. Cap. 16.

¶ Inrollementes. 2.

BE it enacted by the authoritie of this present parliamēt, that frō ꝑ last day of July, which shalbe in the yere of our Lord god 1536. no manours, lands, tenements, or other hereditamentes, shal passe, alter, or change, from one to another, wherby any state of inheritance or frecholde, shalbe made or take effecte, in any person or persons, or any vse thereof to be made, by reason onely of anye bargaine and sale thereof, excepte the same bargaine and sale be made by writing indented, sealed, and inrolled in one of the kings courts of recorde at Westminster, or els within the same coūtie or coūties where the same manoures, landes, or tenementes, so bargayned and sold, lie or be, before the Custos Rotulorum, and two Justices of the peace and the clerke of the peace of the same countie or counties, or two of them at the least. whereof the clerke of the peace to bee one: and the same enrollement to be had & made within sixe monethes next after the date of the same writings indēted, the same custos Rotulorum, or Justices of the peace, and

clerke

clerke, takinge for the enrolment of euery suche writinge indented before them, where the land compriſed in the ſame writing exceede not the yerelye value of foure s.two ſhillings, that is to ſay, xii.d.to the Juſtices, and xii.d.to the clerke, and for the inrolment of euery ſuche writing indented before them, wherin the land compriſed exceede the ſumme of xl.s, yerely value v.s. that is to ſay, x.s.vi.d.to the ſaid Juſtices, and x.s.vi.d.to the ſaid clerke for the enrolling of the ſame. And that the clerke of the peace for the time being, within euery ſuche countie, ſhal ſufficiently enrolle & engroſſe in parchment the ſame deedes or writinges indented, as is aforeſaide, & the rolles thereof at the ende of euery yere ſhal deliuer vnto the Cuſtos Rotulorum of the ſame county for the time being, there to remaine in the cuſtodie of the ſaide cuſtos Rotulorum for the time being, amongſt other recordes of euerie of the ſame counties, where any ſuch enrolmentes ſhalbee ſo made, to the entent that euery partie that hath to doe therwith may reſorte & ſee the effect & tenour of euery ſuch writing ſo enrolled.

¶ Prouided alwaies that this acte nor any thing therin contained, extēd to any maner landes, tenementes, or hereditamentes, lying or being within any Citie, borough, or towne corporate within this Realme, wherin the Maiors, recorders, chamberlains, bailifs, or other officer or officers haue

aucthority or haue lawfully vsed, to enrol any euidences, deedes, or other writinges within their precincte or limittes, any thing in this acte contayned, to the contrary notwithstanding. | See after a statute made 34. H. 8. cap. 22. touching deedes enrolled in such Cities. &c. |

¶ Partition.

¶ An acte concerning iointenants and tenants in common, An. 31. H. 8. Cap. 1. Partition. 3.

For as much as by the cōmō lawes of this realme, diuers of the kinges subiectes, being seised of manours, lāds, tenements and hereditaments, as iointenantes, or as tenants in common, with other of any estate of inheritance, in their owne rightes, or in the right of their wiues, by purchase, discent, or otherwise, and euery of them so being iointenāts or tenants in common, haue like right, title interest and possession in the same manours landz, tenementes, and hereditamentes, for their partes and portions iointly or in cōmon, vndeuidedly together with other, and none of them by the law doth or may know their seuerall parts or portions in the same, or that that is his or theirs by it selfe vnde-

uided

uided: and cannot by the lawes of this realme otherwise occupie or take the profites of the same, or make any seuerance, deuision, or partition thereof, without other of theyr mutuall assentes and consentes, by reason whereof diuers and many of them, being so iointlye and vndeuidedly seised of the sayde manours, landes, tenementes and hereditamentes, oftentimes of their peruers couetous and malicious mindes and willes, against al right, iustice, equitie, and good conscience, by strength and power, haue not onely cut and fallen downe all the woodes and trees growing vpon the same, but also haue extirped subuerted pulled down, and distroied al the houses, edifications, and buildings, meadowes, pastures, commons, & the whole commodities of the same, and haue take and conuerted them to their owne vses, and behoues, to the open wrong and disherison, and against the mindes and willes of other, holding the same manours, landes, tenementes, and hereditamentes, iointly or in common with them, and they haue bene alwaies without assured remedy for the same: Be it therefore enacted by the king our most dread soueraigne lord, and by thassent of the lordes spirituall and temporall, and by the commons in this present parliament assembled, that all iointenantes, and tenauntes in common that nowe be, or hereafter shall be of any estate or estates of enheritaunce, in their owne rightes, or in the righte of their

wiues

ſuites, of any manours, landes, tenementes, or hereditamentes, within this Realme of Englande, Wales, or the marches of ỹ ſame ſhall and may be coacted and compelled by vertue of this preſent acte, to make particion betwene them, of al ſuch manours, lands, tenements, and hereditaments, as they now holde, or hereafter ſhal holde, as iointenants or tenauntes in common, by writ De particione facienda, in that caſe to be deuiſed, in the king our ſoueraigne lordes court of chauncerie, in like maner & fourme as coparceners by the common lawes of this Realme, haue bene and are compelled to do, and the ſame writ to be purſued at the common lawe.

¶ Prouided alway & be it enacted, that euery of the ſaide iointenantes or tenantes in common, and their heires, after ſuch particion made, ſhall and may haue ayde of the other, or of their heires, to the intent to dereigne the warraunty paramont, and to recouer for the rate, as is vſed betwene coparceners after particion made, by the order of the common lawe, any thing in this act conteined to the contrary notwithſtanding.

¶ See after a ſtature made 32. H. 8. ca. 32 touching Particion betwene tenants of particuler eſtates.

¶An acte whereby religious houses dissolued, and their landes are assured to the king. And how leases and grauntes made of them shall take effect. An. 31.H.8.cap.13.

¶Monasteries. II.

WHere diuers and sundrie abbottes, priours, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, of diuers monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, and other religious and ecclesiasticall houses and places, within this our soueraigne lord the kings Realme of England and Wales, of their owne free and voluntarie myndes, good willes, and assentes without constrainte coaction or compulsion of any maner of persone or persones, sithen the iiij. daye of Februarye, the xxvij. yeare of the raigne of our now most dread soueraigne Lorde, by the due order and course of the commō lawes of this his Realme of Englande, and by theyr sufficient wryptings, of recorde, vnder their couent and common seales, haue seuerallye geuen, graunted, and by the same their wryptings, seuerallye confirmed, all theyr sayde monasteries, abbathyes, pryories, nunries, colledges, hospitals, houses of friers, and other religious and ecclesiasticall houses, and places, and all their sites, circuites, and precinctes, of the same, and all and singuler

singuler their manours, lordships, granges, meases, landes, tenementes, medowes, pasturcs, rentes, reuersions, seruices, woodes, tithes, pensions, porcions, churches, chapels, aduowsons, patronages, annuities, rightes, entries, conditions, commons, leets, courts, liberties, priuiledges, and fraunchises, appertaining or in any wise belonging to any such monasterie, abbathie, priorie, nunrie, colledge, hospitall house of friers, and other religious and ecclesiasticall houses and places or to any of them, by what so euer name or corporation they or any of them were then named or called, and of what order, habyte, religion, or other kind of qualitie soeuer they or any of them then were reputed knowen or taken. To haue and to holde all the sayde monasteries, abbathies, priories, nunries, colledges, hospitales, houses of friers, and other religious and ecclesiasticall houses and places, sites, circuits, precinctes, manours, landes, tenements, meadowes, pastures, rents, reuersions, seruices, and al other the premisses, to our said soueraigne lorde his heires and successours for euer, and the same their sayde monasteries, abbathies, priories, nunries, colledges, hospitalles, houses of friers, and other religious and ecclesiasticall houses and places, sites, circuites, precinctes, manours, lordshippes, graunges, meases, landes, tenementes, medowes, pastures, rentes, reuersions, seruices, and other the premisses, voluntarilye as is aforesayde, haue

renounced

renounced, left and forsaken, and euerie of them hath renounced, left and forsaken. Be it therefore enacted by ye king our soueraign lorde and the lordes spiritual & temporal, and the commons in this present parliamēt assembled and by aucthoritie of the same, ye the king our soueraigne lord shal haue, hold, posseede & ēioy to him his heirz & successors for euer, all and singuler such late monasteries, abbathies, priories, nūries, colledges, hospitals, houses of frierz & other religious and ecclesiasticall houses & places, of what kindes, natures, qualities, or diuersities of habites, rules, professions or orders they or any of them were named, knowen or called, which sith ye said fowerth day of Februarie, the xxvij. yere of the raigne of our saide soueraigne lorde, haue beene dissolued, suppressed, renounced, relinquished, forfaited, geeuen vp, or by anie other meane come to his highnesse, and by the same aucthoritie, and in like maner shal haue, hold, posseede & enioy all the sites, circuites, precincts, manners, lordships, graūges, meases, landes, tenementes, medowes, pastures, rentes, reuersions, seruices, woods, tithes, pentions, porciōs, personages appropried, vicarages, churches, chappels, aduowsons, nominations, patronages, ānuities, rights, interests, entries, conditions | Se. 32. H. 8. ca. 34. | cōmons, leetes, courtes, liberties, priuiledges, fraūchises, and other whatsoeuer hereditamentes, which apperteined or belonged, to

the said late monasteriez,abbathies,prioziez nunries,colledges,hospitals, houses of fryers,& other religious or ecclesiastical houses and places,or to any of thē, in as large and ample maner and fourme as the late abbots prioꝛs,abbesses, prioꝛesses, and other ecclesiasticall gouernours and gouernesses, of such late monasteries, abbathies, prioꝛies, nunries,colledges,hospitals,houses of fryers,& other religious & ecclesiasticall houses and places,had,held,or occupied, or of right ought to haue had,holdē, or occupied,in the right of their said late monasteries, abbathies,prioꝛies,nunries,colledges,hospitals, houses of fryers,or other religious or ecclesiasticall houses or places, at the time of the said dissolution, suppꝛession, renouncinge, relinquishing, forfaiting,geeuing vp, or by any other maner of meane comming of the same to the kinges highnes sithē ỹ fourth day of Febꝛuary aboue specified.

¶ And it is further enacted by the authoritie aboueside, that not onlye al the sayde late monasteries,abbathies, prioꝛies, nunries,colledges,hospitalles,houses of fryers and other religious and ecclesiasticall houses,and places, sites, circuites, procinctes, mannours, lordshippes, graunges, meases, landes, tenementes, medowes, pastures,rentes, reuersions, seruices, and all other the premisses,forthwith immediately & presently, but also al other monasteries, abbathies,

abbathies, priories, nunries, colledges, hospitals, houses of triers and all other religious & ecclesiasticall houses & places, which hereafter shall happen to be dissolued, suppressed renounced, relinquished, forfaited, geuen vp, or by any other meane come vnto the kings highnesse, and also all the sites, circuites, precinctes, manours, lordships, granges, meases, landes, tenementes, medowes, pastures, rentes, reuersions, seruices, woods, tythes, pencions, porcions, personages appropriate, vicarages, churches, chappels, aduowsons, nominations, patronages, annuities, rights, interestes, entrees, condicions, commons, leetes, courtes, liberties, priuileges, fraunchises, & other hereditamentes whatsoeuer they bee, belonging or appertaining to the same, or any of them, whensoeuer & as sone as they shalbe dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or by any other meane come vnto the kings highnes, shalbe vested, deemed & adiudged by authoritie of this present parliament, in ỹ very actuall and real season and possession of the king our soueraigne lorde, his heyres and successours for euer, in the state & condition as they nowe bee, & as though al ỹ said late monasteries, abbathies, priories, nũries, colledges, hospitals, houses of friers & al other religious & ecclesiastical houses & places so dissolued, suppressed, renoũced, relinquished, forfaited, geuẽ vp, or come to ỹ kinges highnes, as is aforsaid, as also ỹ said monasteries

abbathies, priories, nunries, colleges, hospitals, houses of friers and other religious & ecclesiasticall houses & places, which hereafter shal happen to be dissolued, suppressed, renounced relinquished, forfaited, geuen vp or come vnto the kinges highnes sites, circuits precinctes, manours, lordships, granges, landes, tenementes, and other the premisses, whatsoeuer they be, and euery of them were in this present act specially & particularly rehersed, named & expressed by expresse wordes names, titles and faculties, and in their natures, kindes and qualities,

¶ And be it also enacted by thauctority aforesaide, that all the saide late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other religious and ecclesiasticall houses, & places which ben dissolued, suppressed, renounced, relinquished, geuen vp, or come to the kinges highnes, by any maner of meanes, as is aforesaide, and al the manors, lordships, granges, landes, tenements, and other the premisses (excepte such thereof as be comen to the kings hāds by attainder or attainders of treason) and al the said monasteries, abbathies, priories nūries, colledges, hospitals, houses of friers, & other religious and ecclesiasticall houses or places, which hereafter shall happen to be dissolued, suppressed, renounced, relinquished forfaited, geuen vp, or come vnto the kinges highnes, & al the manors, lordships, grāges, lands, tenemēts, medowes, pastures, rentes,

reuer-

reuercions, seruices, woods, tithes, portions, pentions, personages, appropriate vicarages, churches, chapels, aduowsons, nominations, patronages, annuities, rightes, interestes, entries, conditions, commons, leetes, courtes, liberties, priuileges, franchises & other hereditamēts whatsoeuer they be, belōging to the same or to any of thē (except such thereof, which shal happē to come to ỹ kings highnes by attainder or attainders of treason) shalbe in the order suruey, & gouernance of our said souereigne lorde the kinges court of Augmentations of the reuenues of his crowne & of the chauncellour, officers and ministers of the same. And all the fermes, issues, reuenues and profits, comming & growing of the premisses, & of euery part therof (except before except) shalbe ordered taken and receiued to the kinges vse by the saide Chauncellour, ministers, and officers of the same court, in such and like maner & forme as the monasteries, priories, sites, circuites, manours, granges, meases, landes, tenementes, rentes, reuersions, seruices, tithes, pensions, portions, aduowsons, patronages, rightes, entries, conditions, and other hereditamentes late appertaining or belonging vnto the monasteries, abbathies, priories, or other religious houses, late by auctoritie of parliament suppressed, | videlicet. 27. H. 8. vn pfit, but in Rastals coll' Monasteries. 9 | bene ordered surueied & gouerned. Saning to all & euery persone and persons & bodies

politike & their heires & successours, and the heires and successours of all & euery of them other then the said late abbots, priours, abbesses, prioresses, and other ecclesiasticall gouernours & gouernesses of the saide late monasteries, abbathies, priories, nunries, colleges, hospitall, houses of friers, and other religious & ecclesiasticall houses & places, & their successours, & the successours of euery of them & such as pretende to bee founders, patrones or donours of suche monasteries, abbathies, priories, nunries, colledges, hospytals, houses of friers and other ecclesiasticall houses and places, or of any manours, messuages, landes, tenementes, or other hereditamentes, belonging to ỹ same or to any of them, their heires & successours, & the heires & successours of euery such founder, patron, or donour: and ỹ nowe abbots, priours, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses of such monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious & ecclesiasticall houses and places, which hereafter shall happen to be dissolued, suppressed, renounced, relinquished, forfaited, geuen vp or come to the kinges highnesse, and such as pretend to be founders, patrons or donours of such monasteries, abbathies, priories, nūries, colledges, hospitals, houses of friers & other ecclesiasticall houses and places, or of any manours, messuages, landes, tenements, or other hereditamentes to the same belonging

ging, or to any of them, their heires and successours, and the heires and successours of euery of them) all such right, title, clayme, interest, possession, rents, charges, ānuities, leases, fermes, offices, fees, liueries, and lyuings, portions, pentions, corodies, commons, synodes, proxies, and other profits, which they or anie of them haue claime, ought, may or might haue had in or to the premisses, or to anie part or parcell thereof, in such like maner, fourme and condition to all intents, respectes, constructions and purposes, as if this acte had neuer ben had ne made (rents, seruices, rēts seck, & al other seruices & suites onely except.)

¶ Prouided alwaies & be it enacted by ye authority abouesaid, that if any late abbot, priour, prioresse, abbesse or other ecclesiastical gouernour or gouernesse abouesaid, within one yere next before the dissolution, suppression, renouncing, relinquishing, forfaiting, geuing vp, or comming to ye kings highnes of his late monasterie, abbathie, priorie, nūry, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, hath made any lease or graunt, vnder his couent or common seale, or otherwise for terme of life, or for terme of yeres, of the site, circuit, & precinct of his said late monasterie, abbathie, priorie, nūrie, colledge, hospital, house of fryers or other religious or ecclesiasticall house or place, or of any part thereof, or of any manners, messuages, graunges, landes,

tenements, personages appropriate, tithes, pentions, portions, or other hereditaments which belonged or appertained to his saide late monasterie, abbatie, priorie, nunry, colledge, hospital, house of triers, or other religious or ecclesiastical house or place, which maners, messuages, graunges, landes, tenements, personages appropriate, tithes pentions, portions or other hereditamts were not before the same lease, commonly used to be set nor let to ferm, but kept and reserued in the manurance, tillage or occupation of ỹ said gouernour or gouernesse, for the maintenance of hospitalitie and good house keeping: or within one yere, as is abouesaide, hath made any lease or graunt for terme of life, or for terme of yeares, or of any manerz, messuages, lands, tenements, medows, pastures, woods, psonages appropriate, tithes, pentions, portions, churches, chappelles, or other hereditaments what soeuer they bee, whereof or in the which, any estate or interest for terme of life, yeare or yeares, at the time of the making of anie such graunt or lease, then had his being or cõtinuãce, & thẽ was not determined, finished, or expired: or within the time of one yere, as is abouesaid hath made any lease or graunt for terme of life, or for term of yeres of any maners, messuages, landes, tenements, medowes, pastures, woods, personages appropriate, tythes, pentions, portiõs, churches, chappels, or other hereditaments, whatsoeuer they be

vpon the which leasez & graũtes, the vsual & oldē rents & seruices, accustomed to be yelden & reserued by the space of xx. yeares next before the first day of this present parliament, is & be not thereupon reserued and holdē. Or if anie such gouernour or gouernesse hath made anie bargaine or sale of his woods, within one yere, as is afore limitted which woods be yet growīg and standing, that then al & euerie such lease, graunt, bargaine & sale of wood or woods, shalbe vtterly void and of none effect.

¶ And it is also enacted by aucthoritie aforesaid, that all feoffements, fines and recoueriez, had, made, knowledged, or suffered, by anie gouernour or gouernesse, without the kings licēce, vnder his great seal, within one yere next before the dissolutiō, renoūcing, relinquishing, forfaiting, giuing vp, or comming vnto the kings highnesse, of his said monasterie, abbathie, priorie, nūrie, colledge, hospitall, house of friers, or other religious or ecclesiasticall house or place, or anie maners, meases, landes, tenementes, or other hereditamentes, whatsoeuer they bee, which the saide late abbot, priour, abbesse, prioresse, and other ecclesiastical gouernour, and gouernesse, or any of thē, or any of their predecessors had or helde, of the gift, graunt or confirmation of our said soueraigne lord or anie of his highnes progenitours, or of the which monasteries, abbathies, priories, nunries, colledges, hospitalles, houses of

friers,

friers, or other religious or ecclesiasticall houses or places, our saide soueraigne lorde was founder or patron, or which maners, messages, lands, tenemēts, or other hereditaments were of the auncient or olde foundatiō or possessiō of the said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, shalbe vterly voide & of none effect.

¶ And it is further enacted by the auctoritie aboue said, that if any abbot, priour, abbesse, prioresse, or other ecclesiastical gouernor or gouernesse, of any monasterie, abbathie, priorie, nūry, colledge, hospital, house of friers, or other religious or ecclesiasticall house or place, which hereafter shall happen to be dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or come to the kinges highnes, within one yeare next before the first day of this present parliament, haue made, or hereafter do make, anie lease or graunt, vnder his couent or commō seale, or otherwise for terme of yeres, or life or liues, of the site, circuit & precinct of his said monasterie, abbathie, priory, nunrie, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, or of anie part thereof or any maners, messuages, lands, tenements, personages appropriate, tithes, pentions, portions or hereditaments belonging or appertaining to his saide monasterie,

nasterie, abbathie, prioꝛie, nunrie, colledge, hoſpital, houſe of friers, oꝛ other religious oꝛ eccleſiaſticall houſe oꝛ place, ſwhich mannours, meaſes, graūges, lands, tenements, perſonages appꝛopꝛiate, tithes, pentiōz, poꝛtions and other hereditamēts ſwhatſoeuer they be, were not beforꝛe the ſame leaſe, cōmōly vſed to be ſet noꝛ let to fermꝰ, but kept & reſerued in the manurāce, tillage oꝛ occupation of the ſaid gouernoꝛ oꝛ gouernes, foꝛ the maintenance of hoſpitalitie & good houſe keping, oꝛ now be in ꝯ manurance, tillage oꝛ occupatiō of ꝯ ſaid gouernour oꝛ gouerneſſe foꝛ the maintenance of hoſpitalitie & good houſe keping: oꝛ ſin one yere, next beforꝛe ꝯ firſt day of this preſent parliament, hath made, oꝛ hereafter ſhall make anie leaſe oꝛ graunt foꝛ terme of life, oꝛ foꝛ terme of yereꝛ of anie maneꝛ, meaſes, landes, tenementes, medowes, paſtures, ſwoods, perſonages appꝛopꝛiate, tithes, pentions, poꝛtiōs, churches, chappels, oꝛ other hereditamēts ſwhatſoeuer they be, ſwhereof & in the ſwhich anie eſtate oꝛ intereſt foꝛ terme of life, yere oꝛ yeres, at the time of the making of anie ſuche graunt oꝛ leaſe, then had his being oꝛ continuaunce, oꝛ hereafter ſhall haue his being oꝛ continuance, & ꝯ ſwas not determined, finiſhed oꝛ expired, oꝛ at the time of anie ſuch leaſe to be made, ſhal not be determined, finiſhed oꝛ expired, oꝛ ſwithin one yeare next beforꝛe ꝯ firſt day of this ꝑſent pliamꝰt hath

made

made or hereafter shall make ante lease or graunt for terme of life, or for terṁ of yeres of any maners, mesuages, lands, tenemẽts, medowes, pastures, woods, personages appropriate, tithes, pentiõs, portiõs, churches, chappels or other hereditamẽts whatsoeuer they be, vpon the which leases and graũts the vsuall and olde rents & fermes, accustomed to be yelden & reserued, by the space of xx. yeres, next before ỹ said first day of this present parliament, is or be not, or hereafter shal not be thereupon reserued & yeldẽ: Or of any such gouernour or gouernesse, of ante such monasterie, abbathie, priorie, nũrie, colledge, hospitall, house of friers, or other religious or ecclesiastical house or place, which hereafter shal happen to be dissolued, suppressed, renounced, relinquished, forfayted, geuen vp or come to the kings highnes, within one yere next before the first day of this present parliament hath made, or hereafter shal make any bargaine or sale of his woods which woods be yet growing and standing, that then al & euery such lease, graunt, bargaine & sale of wood or woods, shall be vtterly voide & of none effect.

¶ And it is also enacted by thaucthoritie aforesaide that all feoffementes, fines & recoueries had, made, knowledged or suffered, within one yere next before the first day of this present parliamẽt: or hereafter to be had made, knowledged or suffred by any gouernour or gouernesse of any monastery, abba-

thie

thie, prioric, nunry, colledge, hospitall, house of friers or other religious or ecclesiasticall house or place, which hereafter shall happen to bee dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or come to the kinges highnesse, without the kings licence vnder his great seale, of any manours, meases, lands, tenements, or other hereditamēts whatsoeuer they be, which the saide abbots, priours, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, whiche hereafter shall happen to bee dissolued, suppressed, relinquished, forfaited, giuen vp or come vnto the kinges highnesse, as is aforesaid or any of them, or any of their predecessours, had or helde, or haue and holde of the gift, graunt or confirmatiō of our saide soueraigne lorde, or of any of his highnesse progenitours, or of the which monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious & ecclesiasticall houses and places, our sayde soueraigne lorde is founder or patrone. or whiche manours, meases, landes, tenemēts, or other hereditamentes, were or bee of the auncient or olde foundation or possession of the said monasteries, abbathies, priories, nūries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, shall bee vtterlye voyde and of none effect.

¶ Prouided alway, and be it enacted by authoritie aforesayde, that if any abbot,

prior,

prior, abbes or priores, or other gouernor or gouernes abouesaid, within one yere next before the first day of this presēt parliamēt, or if any late abbot, prior, abbesse, prioresse, or other late gouernor, or gouernes abouesaid, within one yere next before any such dissolutiō, suppssiō, renoūcing, relinquishing, forfaiting, geuing vp, or cōming to the kings highnesse, of the premisses or of any parcell therof, as is aforsaid, haue made any demise, lease, or graunt, to any person or persōs, for term of yeres, of any manors, meases, lāds, tenementes, personages appropriat, tithes, pencions, portions, or other hereditamentes aforesaide, which person or psōs at the time of the saide demise, lease or graūt, had, & held the same to ferm for terme of yeres thē not expired, ẏ then the said person or persons to whom anie such demise, lease or graūt hath ben so made, shal haue & hold ẏ sāe for ẏ ferm of xxj. yeres only, frō the time of the makig of the said demise, lease or graūt, if so manie yeres be by the same demise, lease or graunt specified, limitted, & expressed, or els for so manie yerez as in such demise, lease or grāt ben expressed, so ẏ the old rent be thercupon reserued, & so ẏ the same lease or leases excede not xxj. yerez, this act or any thīg therin contained to the cōtrary notwithstanding. | See Plow. Cō. fo. 106. & after Fulmerston & stewardes case.

Prouided also, & be it enacted by thauctoritie abouesaid, ẏ if any abbot, prior, abbesse, prioresse or other late gouernor or gouernes,

ternes, within one yere next before any such dissolution, suppression, denouncing, relinquishing, forsaking, geuing vp, or conuing vnto the kinges highnes, of the premisses, or of any parcell therof, as is aforsaid, haue made any demise, lease, or graūt, to any person, or persons, for term of life or liues, of any manours, meases, lands, tenements, personages appropriate, tithes, pensions, portions, or other hereditamentes aforesaid, which p̄son or p̄sons, or any of thē, at the time of the saide demise, lease or graūt, had & helde the same for terme of life or liues, or for term of yeres thē not expired: ꝑ thē the said p̄son or p̄sons, to whō any such lease or graūt hath bene so made, shal haue & hold the same for terme of their life or liues, so that the olde rēt be therupō reserued. This act or any other thing therin contained, to the contrary therof notwithstanding.

¶ Prouided also, & be it enacted by the auctoritie aforesaid, that al & singuler leases & graūts made by copie, to any persō or persons, of any of the saide messuages, landes, tenents, personages appropriate, tithes, pēcions, portiōs or other hereditamēts aforsaid, for term of life or liues, which by the custom of the countrey hath been vsed to be demised letted, or graūted by copie of court rolle, shal be good & effectuall in the law, so that the old rēt be reserued by & vpō euery such lease & leases: this acte or any thing therin cōteined to ꝑ cōtrary in any wise not withstāding.

¶ Pro-

¶ Prouided alway & be it further enacted by thauctoritie aforesaid, that all leases heretofore made, of anie ỹ premisses, by auctoritie of our soueraign lord ỹ kings court of augmētatiō, of ỹ reuenues of his crowne & al such leases, feoffements & wood sales, made by the said gouernours & gouernesses or anie of thē, vnder their couent seales, or vnder ỹ couent or cōmon seale of any of thē. Wtin one yere next before ỹ dissolution, suppression, renoūcing, relinquishing, forfatting, geuing vp or cōming to ỹ kinges highnes, of the said monasteries, abbathies, priories, nunries, colledges, hospitals, houses of frers or other religious or ecclesiastical houses or places, which said leases, graunts, feoffements & wood sales, haue bē examined, enrolled, decreed or affirmed, in our said e soueraigne lord the kings court of augmentatiōs, & the decree of the same put in writing, sealed wt the seale of the said court of auzmētations, shalbe good & effectual according to ỹ same decree: any clause or act, heretofore in this pnt act to ỹ cōtrary not wstāding. ¶ Prouided alway & be it also further enacted by ỹ auctoritie aboue said, ỹ if any pson or psons, haue iustly & truely, wout fraude or couin, paied or geuen any sūme or sūmes of money to any the said late gouernours or gouernesses, for the bargaine & sale of anie woods, being & growing in or vpō any maners, lands, tenementz, or hereditamentes, which apperteined or belōged to ỹ said late

monasterics

monasteries, abbathies, priories, nūries, colledges, hospitals, houses of friers, or other religious or ecclesiastical places, or vnto any of thē which bargain & sale, by auctoritie of this act, is made void & of none effect, and by meane thereof, ỹ kings highnes may haue & take the commoditie and profite of suche woodes, so bargained and sold: that then the Chauncellour and other officers of our said soueraigne lorde the kinges courte of Augmentations, or three of them, whereof the Chauncellour for the time being shal be one of our said soueraigne Lord the kings treasour, remaining in the Treasorie of the same court, shal satisfie & recompence euery suche persone and persones, such summe of money or other recompence, as the same Chauncellour and officers, or three of them, whereof the said Chauncellour shalbe one, shal thinke meete and conuenient. And if any other person or persones, shall happen to take profite and commoditie, by reason of aduoiding of such woode sales by auctoritie of this acte, that then euery persone and persones which may or shal take such profite, shalbe ordered for satisfactiō to be made to the parties, that shall happen to bee greued by this acte, by the said Chauncellour and other the officers of the same courte.

¶ Prouided also, and be it further enacted by thauctoritie aboue said, that all and euery persone and persones their heires and assignes, which sithen the saide iiij. day of Fe-

hyuarie, by licence, pardone, confirmation, re-
lease, assent, or consent of our sayd soueraigne
lord the king, vnder his greate seale hereto-
fore geuen had or made, or hereafter to bee
had or made, haue obtained or purchased by
indenture, fine, feoffemēt, recouerie, or other-
wise, of ỹ saide late abbotes, priors, abbesses,
prioresses, or other gouernors or gouernesses
of any such monasteries, abbathies, priories,
nūries colledges, hospitals, houses of friers,
or other religious & ecclesiasticall houses or
places, any monasteries, priories, colledges,
hospitals, manours, lāds, tenementes, medo-
wes, pastures, woodes, churches, chapels, p-
sonages, tithes, pensions, portions, or other
hereditaments, shal haue & enioy ỹ same, ac-
cording to such writings and assurances, as
ben therof before the first day of this present
parliament, or hereafter shalbe had or made.

¶ Sauing to all & euery pson & persons,
& bodies politike their heires & successours:
& to the heires & successours of euery of thē,
other thē ỹ said late abbots, abbesses, priors,
prioresses, & other gouernors & gouernesses
& their successours, & the successours of eue-
ry of them, and such as pretende to be foun-
ders, patrons or donours of the said monas-
teries, abbathies, priories, nunries, colledges,
hospitales, and other religious or ecclesiasti-
call houses or places: or of any of them, or of
any manours, mesuages, landes, tenements,
or other hereditamentes late belonging to
the same, or to any of them, and their heires.

successours,

successours, and the heires and successours of euery such founder, patrone or donour) all such right, title, interest, possession, rents, annuities, commodities, offices, fees, liueries and liuings, portions, pencions, corodies, synodes, proxies and other profites, which they or any of them haue, ought or mought haue had, in or to any of the said monasteries, abbathies, priories, colledges, hospitals, manours, lands, tenements, rentes, seruyces, reuersions, tithes, pensions, portions or other hereditamentes, at any time before any such purchase, indentures, fynes, feoffementes, recoueries, or other lawfull meane, betweene any suche parties, had or made, as is aboue saide, this acte or anye thing therein contayned to the contrary not withstanding.

¶ And where our saide soueraign Lord sith the fourth daye of Februarie, the saide xxvij. yere of the raigne of our said soueraign lord, hath obtained and purchased aswel by exchaunges as by giftes, bargaines, fines, feoffements, recoueries, deedes inrolled, and otherwise of diuers and sundry persones, many and diuers honours, castelles, manoures, landes, tenementes, medowes, pastures, woodes, rentes, reuersions, seruyces, and other hereditamentes, and hathe not onelye payde diuers and sundry greate summes of money for the same: but also hath geeuen and graunted for the same, vnto diuers and sundrye persones,

diuers and sundry manours, landes, tenementes, and hereditamentes, and other recompences, in and for ful satisfaction of all such honours, castels, manours, landes, tenementes, rentes, reuersions, seruices, and other his hereditamentes, by his highnes obtained or had, as is aboue said: Be it therfore enacted by the auctoritie aboue saide, that our saide soueraigne Lord the king, his heires and successors, shall haue, holde, possede and enioy, al such honours, castels, manours, lands, tenementes, and other hereditamentes, as his highnes sith the said iiij. day of Februarie, the xxvij. yere aboue saide, hath obtayned and had by way of exchãge, bargaine, purchase, or other whatsoeuer meane or meanes, according to ỹ true meaning & intente of his highnes bargain, exchãge or purchase, misrecital, misnaming, or nõ recital, or not naming of ỹ said honours, castels, manours, landes, tenementz, and other hereditamentes, compriſed, or mẽtioned in the bargaines or writings, made betweene the kinges highnes and any other partie or parties, or of the townes or counties, where the saide honours, castels, manours, landes, tenements, and hereditamentes lye & bene, or any other matter or cause whatsoeuer it be in any wise notwithstanding.

¶ Sauing to all and euery person, and persons, and to their heires, bodies politike and corporate, and to their successours, and

to

to euery of them(other then such person & personnes, & their heires, and their wiues, and the wiues of euery of them, bodies politike and corporate, and their successoures and euery of thē, of whom the kinges highnes hath obtayned, by exchange, gifte, bargaine, fine, feoffement, recouerie, deede enrolled or otherwise, any such honours, castels, manours, landes, tenements, and other hereditamentes, as is aforesaid) all such right, title, vse, interest, possession, rentes, charges, annuities, commodities, fees, and other profites, (rentes seruices, and rents secks only except,) which they or any of them haue, might or ought to haue had, in or to the premises so obtained and had, or in or to anye parcell therof, if this acte had neuer bene had nor made, this preset acte or any thing therin contained to the contrary notwithstanding.

¶ And where it hath pleased the kinges highnes of his most aboūdant grace & goodnes, aswell vpon diuers and sundry cōsiderations his maiestie specially moning, as also otherwise, to haue bargained, sold, chaūged, or geuen and graunted by his graces seuerall letters patentes, indētures, or other writinges, aswel vnder his highnes greate seale, as vnder the seale of his highnes Duchie of Lancaster, and the seale of the office of the augmentations of his crowne, vnto diuers and sundrie of his louing and obedient subiectes, diuers and sundry honoures,

castles, manours, monasteries, abbathies, priories, landes, tenements, rentes, reuersions, seruices, personages appropriated, aduowsons, liberties, tithes, oblations, porcyons, pencions, fraunchises, priuiledges, liberties, and other hereditaments, commodityes and profites, in fee simple, fee taile, for terme of life, or for terme of yeres. For auoiding of which said letters patentes, and of the contents of the same, diuers sundry and many ambiguities, doutes, and questions, might hereafter arise, be moued, & stirred, aswell for misrecitall or nonrecitall, as for diuers other matters, thinges, or causes to be alledged, obiected, or inuented against the said letters patentes, as also for lacke of finding of offices or inquisitions, whereby the title of his highnes therin ought to haue bene found, before the makinge of the same letters patents, or for misrecytal, or non recitall of leases, aswel of recordes as not of records, or for lacke of the certaintie of the values, or by reason of misnaming of the honours, castels, manours, monasteries, abbathies, priories, landes, tenements, and other hereditamentes, compriſed and mentioned within the same letters patentes, or of the townes and countries, where the same honours, castelles, manours, monasteries, abbathies, priories, landes, tenements, rentes, and other hereditamentes, lien and bene as for diuers and sundry other suggestions and surmises, which hereafter might hap-

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pen to be moued, surmised, and procured, against the same letters patentes, all bee it the wordes in effect contained in the saide letters patentes bee according to the true intent and meaning of his most roiall maiestie:

¶ Be it therefore enacted by the authoritie of this present parliament, that as well all and euerie the saide letters patentes, indentures, or other writinges and euerie of them, vnder the seale or seales aboue sayde or anie of them, made or graunted by the kings highnes, sithen the saide fourth daye of Februarie, the said xxvij. yere of his most noble raigne, as all and singuler other his graces letters patents, indentures or other writinges to be had, made or graunted to anie persone or persones within three yere next after the making of this present acte, of anie honours, castelles, manours, monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or of other religious or ecclesiasticall houses or places, sites, circuites, precincts, landes, tenements, personages, tithes, pencions, portions, aduowsons, nominations, & al other hereditamentes, and possessions, of what kinde, nature, or qualitie soeuer they bee, or by what soeuer name or names they or any of them be named, knowen or reputed, shal stande and be good, effectual, and auaileable in the lawe of this Realme to all respectes, purposes, constructions, & intentes,

against his maiestie, his heires and successours, without anie other licence, dispensation or tollerance, of the kings highnes his heires and successours, or of anie other person or persones whatsoeuer they be, for anie thing or thinges contained or hereafter to be cõtained in anie such letters patents, indentures or other writings: any cause, cõsideration, or thing material to the contrary in anie wise notwithstanding.

¶ Sauing to al and singuler persons, bodies politique & corporate, their heires and successours, and the heires and successours of euery of them (other thẽ his highnes his heires and successours, and the saide gouernours and gouernesses & their successours, donours, founders, and patron aforenamed and their heires and successours, & all other persons claiming in their rights, or to their vse, or in the righte or to the vse of anie of them) al such right, title, claime, interest, possession, reuersion, remainder, offices, annuities, rent charges, and cõmons, which they or any of them, haue, ought or mought haue had, in or to any of the said honors, castels, manours, monasteries, abbathies, priories, landes, tenementes, & other hereditaments, in the said letters patents made, or hereafter to be made, comprised at any time before the making of the said or such letters patentes. This act or any thing therein contained to the contrary notwithstanding.

¶ And where diuers and sundry abbots, priors,

priors, abbesses, prioresses, and other ecclesiastical gouernours, and gouernesses of the saide late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers and other religious and ecclesiasticall houses and places, haue had, possessed & enioyed diuers and sundry psonages appropriated, tithes, pencions, and portions, and also were acquited and discharged of & for the paiment or paimentes of tithes to bee paide out or for their said monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious & ecclesiastical houses and places, manours, mesuages, landes, tenements, and hereditamentes: Be it therefore enacted by the auctoritie aboue said, that aswel the king our soueraigne lord, his heires & successours, as al & euery such persō & psons their heires & assignes which haue or hereafter shall haue any monasteries, abbathies, priories, nūries colleges, hospitals, houses of friers, or other ecclesiastical houses, or places, sites, circuits precincts of the same, or of any of them, or any maners, mesuages, personages appropriate, tithes, pentions, portiōs, or other hereditaments whatsoeuer they be, which belonged or appertained, or which now belōg or appertaine vnto the said monasteries, abbathies, priories, nunries, colledges, hospytals, houses of friers, or other religious and ecclesiasticall houses or places, or vnto any of them, shall haue, holde, reteine, keepe, and

enioy

Willes.

¶ An act how by the kinges graunt, landes, tenements &c. may be by will, testament or otherwise disposed, & concerning wardes and Primer seisons. 32. H. 8. Cap. 1. Willes. 2.

Where ye kings most roial maiesty, in al ye time of his most gratious & noble raigne, hath euer ben mercifull, louing & beneuolēt, & most gratious soueraigne Lord vnto all & singuler his louing and obedient subiects, and by manie times past, hath not onely shewed & imparted to them generallie, by his manie and often great and beneficial pardons heretofore by aucthorities of his parliamentes graunted, but also by diuers other waies & meanz manie great & ample grauntes and benignities, in such wise as al his said subiects, bene most bounden, to the vttermost of all their powers and graces by them receyued of God, to render & geue vnto his maiestie their moste humble reuerence and obedient thankes and seruices, with their daylie and continual praier to almghtie God, for the continual preseruation of his moste royall estate, in most kingly honour & prosperitie: yet alwaies his maiestie being replete & endowed by God, with grace, goodnes, and liberalitie, most tenderly considering that his

saide

saide obedient and louing subiectes, can not vse or exercise them selues, according to their estates, degrees, faculties, and qualities, or to beare thē selues in such wise as that they may conueniently kæpe and maintaine their hospitalities and families, nor the good educations and bringing vp of their lawful generations, whiche in this Realme laude bee to God, is in all partes very great and abūdante, but that in maner of necessitie, as by daily experience is manifested and knowen, they shall not be able of their proper goodes cattels and other mouable substance, to discharge their debts, and after their degrees set forth and aduaūce their children & posterities. Wherefore our saide soueraigne lorde most vertuously considering the mortalitie that is to euery person, at Gods wil & pleasure, most common and vncertaine, of his most blessed disposition and liberalitie, being willing to relieue and helpe his sayde subiects, in their said necessities and debilitie, is contented and pleased, that it be ordeined, & enacted by aucthoritie of this present parliament, in maner & fourme as hereafter followeth, that is to saye, that all and euerye persone and persones, hauing, or whiche hereafter shall haue, anye manours, landes, tenementes, or hereditamentes, holden in socage, or of the nature of socage tenure, and not hauing any manours, landes, tenementes, or hereditamentes, holden of the kynge our soueraigne Lord by knightes seruice, or

by

by focage tenure in chiefe, or of the nature of focage tenure in chiefe, nor of any other perſone or perſones by knightes ſeruice, from the xx. day of July in the yeare of our Lorde God M. v. C. & xl. ſhall haue full and free libertie, power, and aucthoritie, to geue diſpoſe, will, and deuiſe, as well by his laſt will and teſtament in writing, or otherwiſe, by anye acte or actes, lawfully executed in hys life, all his ſaide manours, landes, tenementes, or hereditamentes, or anye of them, at his free will and pleaſure, any lawe, ſtatute, or other thing, heretofore had, made or vſed to the contrary notwithſtanding.

¶ And that all and euery perſone and perſons, hauing manours, landes, tenements or hereditamentes, holden of the king our ſouereigne Lord his heires or ſucceſſours in focage, or of the nature of focage tenure in chiefe, and hauing any other manours, landes, tenementes, or hereditamentes holden of any other perſone or perſones, in focage, or of the nature of focage tenure, and not hauing anye manours, landes, tenementes, or hereditamentes, holden of the king our ſouereigne Lord, by knightes ſeruice, nor of any other Lord or perſon by like ſeruice, from the xx. day of July, in the ſaid yeare of our lorde God M. v. C. and forty, ſhall haue full and free libertie, power, and aucthoritie, to geue, will, diſpoſe, and deuiſe, as well by his laſte will or teſtament in writing, or otherwyſe, by anye acte or actes lawfullye executed in his

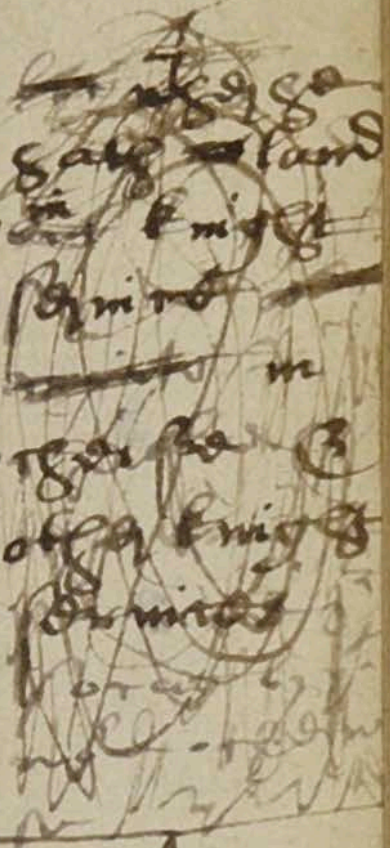
his life, all his saide manours, landes, tenementes, and hereditamentes, or any of them, at his free will and pleasure, any law, statut, custome or other thinge, heretofore had, made or vsed to the cõtrary notwithstãding Saving alway and reseruing to the kinge our soueraigne Lorde his heires and successours, all his righte, title, and interest of primer seison, and reliefes, and also all other rightes, and dueties, for tenure in socage, or of the nature of socage tenure in chiefe, as heretofore hath bene vsed and accustomed the same manours, landes, tenementes, or hereditamentes, to bee taken, had and sued out of and from, the handes of his highnesse his heires and successours, by the person or persones, to whom anye suche manours, landes, tenementes, or hereditamentes, shall bee disposed, willed or deuysed in suche and like maner and fourme, as hath bene vsed by any heire or heires before the making of this estatute.

¶ And saving and reseruing also, fines for alienations, of suche manours, landes, tenementes, or hereditamentes, holden of the king our soueraigne Lorde, in socage or of the nature of socage tenure in chyefe, whereof there shall be any alteration of free holde or inheritaunce made by will or otherwise as is aforesaide.

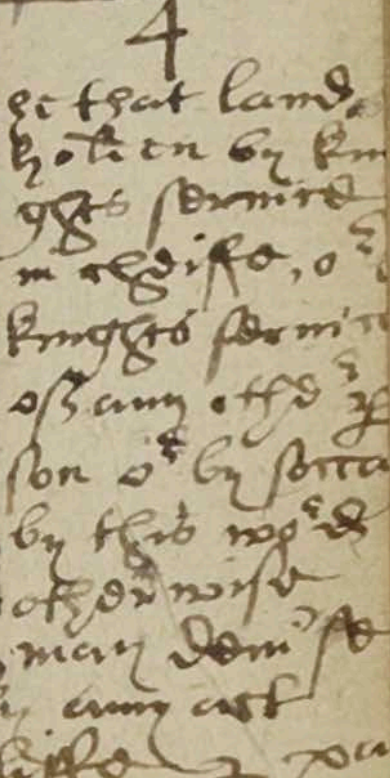
¶ And it is further enacted by auctoritie aforesayde, that all and singuler persone and persounes, hauing anye manours, landes,

landes, tenementes, or hereditamentes of estate of inheritaunce, holden of the kynges highnesse in chiefe by knightes seruice, or of the nature of knightes seruice in chief from the sayde twenty day of July, shal haue full power & auctoritie by his last will by writing, or otherwise by any acte or actes lawfully executed in his life, to geue, dispose, will or assigne, two partes of the same manours, landes, tenementes, or hereditamentes, in three partes to bee deuided, or els as much of the saide manours, landes, tenementes, or hereditamentes, as shall extende or amounte to the yerely value of two partes of ỹ same in three partes to bee deuided in certaintie, and by special diuisions, as it may be knowen in seueraltie, to and for the aduauncement of his wife, preferment of his children, and paimēt of his debts, or otherwise at his will and pleasure, any lawe, statute, custome or other thing, to the contrarie thereof notwithstanding. Sauing and reseruing to the king our soueraigne Lord, the custody, wardship and primer seasen, or any of them, as the case shall require, of as much of the same manors landes, tenements, or hereditaments, as shal amount and extend to the full and clere yerely value of the third part therof, without any diminution, dower, fraude, couin, charge or abridgement of any of the same third part or of the full profites thereof. Sauing also and reseruinge to the king our soueraigne Lorde, all fines for alienations, of all such manours,

manours, landes, tenementes, and hereditaments, holden of the king by knights seruice in chiefe, whereof there shalbe any alteration of freeholde or inheritance, made by will or otherwise, as is abouesaid.



¶ And be it enacted by aucthoritie aforesaid, that all and singuler persone & persones hauing manours, lands, tenements or hereditaments of estate of inheritance, holden of the king in chiefe by knightes seruice, & hauing other manours, landes, tenementes, or hereditamentes, holden of the king, or of any other person or persons by kinghtes seruice, or otherwise, euery such person & persones, from the said .xx. day of July shall haue full power & aucthoritie to geue, dispose, will or assigne, by his last will in writing, or otherwise by any act or actes lawfullye executed in his life, two partes of the same manours, landes, tenements or hereditaments, in three partes to bee deuided, or els as much of the same manours, landes, tenementes & hereditamentes, as shall extend or amount to the yerely value of two parts of ẏ same, in three partes to be deuided in certainty, & by speciall deuisions, as it may bee knowen in seueraltie, to and for the aduauncement of his wyfe, preferment of his children, & payment of his debts, or otherwise at his will and pleasure, any lawe, statute, custome or other thing to the contrary thereof notwithstanding. Sauing alway and reseruing to the king our soueraigne lorde, ẏ custody, wardship,



ship, and primer season, or any of them, as the case shal require, of as much of the same manours, landes, tenements, or other hereditamentes, as shall amount & extend to the full and cleare yerely value of the third part ther of, without any maner diminution, dower, fraude, couin, charge, or subtraction of the same third part, or of the full profits therof. Saving alway and reseruing to our said soueraigne lord the king, all fines for alienation, of any such manours, lands, tenementes, or hereditamēts, holdē of the king by knights seruice in chiefe, whereof there shall be anye alteration of freehold or inheritance, made by will or otherwise, as is aboue said.

¶ Be it further enacted by the aucthoritie aboue said: that if any person or persons holde manours, landes, tenementes or hereditamentes onely of any other lorde or personne, then of the kinge our sayde soueraigne lorde by knightes seruice, and other landes and tenemēts in socage, or of the nature of socage tenure, that then euery suche personne, shall or may geeue, dispose or assure by his laste will or otherwise, by anye act or actes lawefully executed in his life, two partes of the saide mannours, landes, and tenementes, holden by knightes seruice, or of as muche therof, as shall amount to the full yearely value of two partes, in maner and fourme as is aboue declared: And also all the landes and tenements holden by socage, or of the nature of socage tenure, at

his

his will and pleasure as is aboue written, Sauing and reseruing to the lorde of the landes and tenementes holden by knights seruice, for his custodie and wardshippe, as much of the same lands and tenements, as shall extend or amount to the full and clere yerely value of the thirde parte of the same landes and tenementes holden by knightes seruice, without any diminution, dower, fraud, couin, charge, or subtraction of any porcion of that third part, or of ye clere yerely value thereof, in maner and fourme aforesaid.

And be it further enacted by the authoritie aboueſaid, that if any person or persons holde anie manners, landes, tenementes or hereditaments onely of the king our soueraigne lord by knightes seruice and not in chiefe, or hold anie manours, landes, tenementes or hereditamentes of our said soueraigne lorde by knightes seruice, and not in chiefe, and also holde other maners, landes, tenements and other hereditaments of anie other person or persons by knightes seruice, and also holde other maners, landes, tenements or hereditamentes of anie other person or psons in socage, or of the nature of socage tenure, ye then al & euery such p̄son & p̄sons, shall & may geeue, dispose, will, deuise, & assure, by his last will or otherwise, by any act or acts lawfully done & executed in his life, two parts of the same maners, landz tenements & hereditaments, holden of our sayde soueraigne lorde the king by knights

ſeruice, & two parts of the maners, landes, tenements and hereditamēts, holden of any other perſon or perſons by knights ſeruice, or as much of eyther of them as ſhal amoūt to the full yerely value of two parts in maner and fourme as is aboue declared: & alſo of all his lands and tenements ſo holden in ſocage, or of the nature of ſocage tenure at his free will and pleaſure. Sauing & reſerring to the kings highnes, the cuſtodie and wardſhip of as much of the ſame manours, lands, tenements, or other hereditaments, as ſhall extende and amount to the full and clere yerely value, of the thirde part of the ſaide maners, landes, tenements, and hereditamēts ſo holdē of his highnes by knightz ſeruice, without anie diminution, doūer, fraude, couin, charge, and ſubtraction of anie portion of that third part, or of the ful profites thereof. And alſo ſauing and reſeruing to the lordes of whom anie of the ſaid manners, landes, tenementes or other hereditaments ben holden by knightes ſeruice, for cuſtody and wardſhip, as much of the ſame manners, landes, tenementes or hereditaments holden of them or anie of them, by knights ſeruice, as ſhall extende & amount to the full and clere yearely value of the thirde part of the ſame, without anie diminution, charge, fraude, couin, or ſubtraction of any portion of that thirde, or of the clere yerely value of the third part therof, in maner and forme aboue declared.

Prouiſ-

¶ Prouided alway, & it is further enacted by the auctoritie aforesaide, that if that third part of the maners, lands, tenementes or hereditaments, of anie of the kings subiects, which in anie of the cases aboue saide, shall hereafter come to the kings highnesse, his heires or successours, by vertue of this act, as is aboue said, be not, or do not, amoũt to the cleare yerely value of the third part, of all the said manerz, lands, tenements, or other hereditamts, wherof the kings highnesse, is or shalbe intitled to haue the custody or primer seisin, as is aboue said: that thẽ our said soueraigne lord & his heirez shall & may at his or their free liberty and pleasure take into his or their hands & possession, as much of the other two partz of the said manerz, landes, tenementes, and other hereditamentz, as with that of the same maners, landes, tenementz or hereditamentz holden, remaining in ỹ kings hands, shal make vp the clere yerely value of the full thirde part of the saide manours, landz and tenements so to be had to the kings highnes in title of wardship, & primer seysin, or any of thẽ, as the case shal require, and like benefite & aduantage to be geuen to euery lord & lordes, of whom any such maners, lands, tenemts or hereditaments, been or shalbe holden by knights seruice as is aboue said, concerning ỹ his third part, of or for title of wardship

¶ Prouided alway, & be it further enacted by the auctoritie aforesaid, that euery p̃son

and persons shall sue their liueries, for pos-
sessions, reuertions, or remainders, & also pay
reliefs & heriots, after such maner & fourme
as they should or ought to haue done, before
the making of this act & as if this acte had
neuer bē made. And ỳ fines for alienationz,
shalbe paid in ỳ kings chācery, for and vpō
writs of entre in ỳ post, to be obteined in ỳ
same court of chācery, after ỳ said xx. day of
July, for cōmon recoueries to be had or suf-
fered of any manours, landes, tenements or
hereditamēts holden of the king in chiefe: in
like maner & forme as is vsed vpon alicna-
tions of such maners, landes, tenements or
hereditaments, so holden in chiefe, by fine or
feoffement.

¶ Prouided also, & be it enacted by ỳ auc-
thority aforesaid, ỳ in such cases, where fines
for alienationz shalbe paid in ỳ kingz Chā-
cery for writs of Entre in the post, as is a-
foresaide, that then none other fine shalbee
paid in the same court for any suche writs:
any vsage or custome to the cōtrary thereof
notwithstanding.

¶ And bee it further enacted by the auc-
thoritie aforesaid, that where two or more
psons now hold, or hereafter shal hold, any
maners, landes, tenements or hereditamts,
of the king our soueraigne lord by knights
seruice, iointly to them, & to the heirz of one
of them, & he that hath the inheritance ther-
of dieth, his heire being vnder age, ỳ in cuerie
such case, the king shal haue the warde and

mariage

mariage of ye body of such heire so being wi-
in age, the life of ye freholder, or freeholders
of the said manors, lands, tenem̃ts or here-
ditaments so holdē by knights seruice not-
withstanding. Sauing and reseruing to all
and euery womā & women, al & euery such
right, title & interest of dower, as they or a-
ny of them, owe to haue, or be, or shalbe, iust-
ly limitted to haue, claime or demaund of a-
ny manours, lands, tenements or hereditam̃ts
by the lawes of this realme, to be takē
or assigned vnto them or any of them, out of
the two parts of the said manours, lādz, te-
nements or hereditam̃ts seuered & deuided
from the third parte as is abouesaide, & not
otherwise, And sauing also to the king our
soueraigne lord, his heires & successors, the
reuersions of all such tenants in ioint tenurē
& dower, immediatly after the death of such
tenants, if they shal happen to die during ye
minoritie of the kings wardes.

¶ An acte for the limitation of pre-
scription. 32. H. 8. Ca. 2.

¶ Limitation. 3.

FOrasmuch as the time of limita-
tiō apointed for shewing of writs
of right, & other writs of possessiō
& seasō of mens aūcestors or pre-
decessors, or of their own possessiō or season,
by ye laws & statuts of this realm̃ hertofore

made, limitted and appointed | vz. Merk ca. 8. W. 1. ca. 39. W. 2. ca. 2. & cap. 46. | extēde & be of so farre and lōg time past, that it is aboue the remembrance of any liuing man, truely to trie & know the perfect certaintye of such things as hath or shal come in trial, or doe extende vnto the time and times limitted by the said lawes & statutes, to the great dāgers of mens consciences, that haue or shall be empanelled in any Jury for the triall of the same: and also it is a great occasion of much trouble, vexation, and suites to the kinges louing subiectes, at the common lawes of this realme, so ẏ no mā although he and his auncestors, & those whose estate he or they haue, haue bene in peaceable possessiō of a lōg seasō, of & in lāds, tenemēts & other hereditamēts, is or cā be in any suerty, quietnes or rest, of & in the same, without a good remedy and reformation be had, made and prouided for the same: Be it therfore enacted by the king our soueraign lord, the lords spirituall and temporall, and the commons in this present parliamēt assembled, and by the authoritie of the same, that no maner of person or persons, shall from henceforth sue, haue or mainteine any writ of right, or make any prescription, title, or claime, to or for any manours, landes, tenementes, rentes, annuities, commons, pencions, portions, corodies, or other hereditaments, of the possession of his or their auncestour or predecessour, & declare and allege

any

any further seyson or possessiō of his or their auncestour or predecessour, but onely of the seyson or possession of his aūcestour or p̄decessor which hath been, or now is, or shalbe seyed of the said manours, lāds, tenements, rents, annuities, cōmons, pēcions, porciōs, corrodies, or other hereditamentes, within threscore yeres next before the teste of the same writ, or next before the said prescriptiō, title, or claime so hereafter to be sued, commenced, brought, made, or had.

¶ And be it further enacted by the auctoritie aforesaide, that no manner of person nor persons, shal hereafter sue, haue, or maintaine any assise of mortdauncestor, cosinage, ayell, writ of entry vpon disseasion done to any of his auncestors or predecessors or any other action possessary, vpon the possession of any of his auncestors, or predecessours, for any manors, lands, tenemēts or other hereditaments, of any further seasō or possession of his or their auncestour or predecessour, but only of the seasō or possession of his or their auncestor or predecessour, which was, or hereafter shalbe seased of the same manors, lands, tenements, or other hereditamēts, within fifty yeres next before the teste of ỹ original of ỹ same writ hereafter to be brought.

¶ And be it further enacted, by ỹ auctoritie aforesaide, that no person nor persons, shal hereafter sue, haue or mainteine any action, for any manors, lāds, tenemēts or other

heredi-

hereditaments, of or vpon his or their own season or possessiō therin, aboue thirty yeres nexte before the teste of ẏ original of ẏ same writ hereafter to be brought.

¶ And be it also enacted by the aucthoritie aforsaid, that no person nor ꝑsons shal hereafter make any auowrie or cognisance, for any rent, suite or seruice, & alledge any seasō of any rent, suit or seruice in the same auowry or cognisance, in the possession of his or their auncestours, or predecessour, or predecessours, or in his own possessiō, or in ẏ possession of any other, whose estate he shall ꝑtend or claime to haue, aboue forty yeares next before the making of the said auowrye or cognisance.

¶ And ouer that, be it enacted by the aucthoritie aforsaid, that all formdones in reuerter, formedones in remainder, & scire facias, vpon fines of any manors, lands, tenemts, or other hereditamts, at any time hereafter to be sued, shalbe sued and taken within fifty yeres next after the title & cause of actiō fallen, & at no time after the said fifty yeres passed.

¶ And be it also enacted by aucthority aforesaide, that if any personne or persons at any time hereafter, doe sue any of the saide actions or writs, for any manours, landes, tenements, or other hereditaments, or make any auowry, cognisance, prescriptiō, title or claime, of or for any rent, suite, seruice, or other hereditamentes, & cannot proue that

he

he or they, or his or their aūcestors or prē-
decessours, were in actuall possessiō or seasō
of & in the same manors, lands, tenements,
rents, suites, seruices, annuities, commons,
pentions, portions, corodies, or other here-
ditaments, at any time or times within the
yeres before limitted & appointed in this p̄-
sent acte, & in maner and forme as is afore-
saide, if the same be trauersed or denied by ỹ
pty plaintife, demādāt or auowāt, or by the
pty tenant or defendāt, ỹ then & after suche
trial therein had, al & euery such pson & p-
sons, & their heirs, shal from henceforth bee
vtterly barred for euer, of al' and euerie the
said writs, actions, auowries, conisance, p̄s-
criptiō, title and claime hereafter to be sued,
had or made of and for the same manours,
landes, tenements, hereditaments, or other
the p̄misses, or any part of the same for the
which the same action, writ, auowrie, coni-
sance, prescription, title, or claime, hereafter
shalbe, at anie time had sued or made. | &c.
Certain puisnōs for those & their heirs who
had actiōs &c. depēding or were then vn-
age, couert barō, in prison or out of ỹ realm.
¶ Prouided furthermore, ỹ if any false ver-
dict happen hereafter to be geeuen or made
in any of the said actions, suites, auowries,
prescriptions, titles or claimes, that then
the party greeued by reasō of the same, shal
and may haue his attaint vpon euerie such
verdict so geuen or made, and the plaintife
in the same attaint vpon iudgement for him
geeuen, shall haue his recoueric, execution

and

and other aduauntage in like maner & forme as heretofore hath ben osed & accustomed, any thing before in this acte conteined to the contrary notwithstanding.

¶An acte for contentation of debts Vpon executions. Anno 32. H. 8. ca. 5.

¶Executions. 10.

Wheras before this time diuers & sundry ꝑsons, haue sued executiōs, as wel vpō iudgemētz, for thē geuen of their dets or damagez az vpō such statutes marchātz, statutes of ye staple, or recognisancez, as haue bene to thē before made recognised, & knowledged, & therupon such lands, tenemēts, and other hereditamētz, as were liable to the same executiō, haue bē by reasonable extent to thē deliuered in execution, for ye satisfaction of their said debtes, & damages, according to the lawes of this realme. Neuertheles it hath ben oftentimes sene, ye such lādes, tenemētz, & hereditamētz so deliuered & had in execution, haue bene recouered or lawfully deuested, taken away/ or euicted from the possession of the sayd recouerers, obligees, or recognisees, their executours or assignes, before such time as they haue ben fully satisfied & paid of their dets, & damages, Bout any maner fraud, disceipt,

couin,

couin, collution, or other default in the saide recouerers, obligees or recognisees, their executours & assignes, by reason wherof ỹ said recouerers, obligees, & recognisees, haue ben therby let clerely without remedy, by anye maner suit of the lawe, to recouer or come by any such part or parcel of their saide debts & damages, as was behind, & not by them leuied or receiued, before such time as the saide lands, tenements & other hereditamentes, so by thē had in execution, were recouered lawfully deuested, taken or euicted out of & from their possessiōs, as is afforesaid to their great hurt & losse, and much seeming to be against equal iustice and good conscience: For reformation whereof be it enacted by authoritie of this present parliament, that if hereafter any such lands, tenements or hereditaments as be or shalbe had & deliuered to any person or persons in execution as is afforesaid, vpon any iust & lawfull title, matter, condition or cause, wherewithall the said lands, tenemēts, & hereditaments were liable tied & bounde, at such time as they were deliuered & taken into execution, shall happen to be recouered, lawfully deuested, taken or euicted, out of, & frō the possessiō of any such person & persōs as now haue & hold, or hereafter shal haue & hold the same in execution as is afforesayde, wout any fraud, deseipt, couin, collusion or other defaut, of the said tenant or tenants by execution before such time as ỹ said tenants by execution their executors or assignes shall haue fully & wholy leuied or receiued ỹ said

whole

whole debt & damages, for ỹ which the said lands, tenemẽts & other hereditamẽts were deliuered & taken in execution, as is aforesaid, then euery such recouerer, obligee, & recognisee, shall & may haue & pursue a writ of scire facias out of ỹ same court, from whence the saide former writ of execution did proceede, against such pson or psones, as the said writ of executiõ was first pursued, their heires executours, or assignes, of such lands, tenemẽts, or hereditaments, as were or ben then liable or charged to ỹ said execution, returnable in to the same court, at a certaine day, being full forty daies after the date of ỹ saine writ. At which daye if the defendant being lawfully warned, make default, or appeare, and do not shew and pleade a sufficient matter or cause, other then the acceptance of the said landes, tenements, & hereditamẽts by the said former writ of executiõ, to barre, auoide or discharge the said suit for ỹ residue of the said debt, and damages, remaining vnleuied or vnreceiued by the said former execution: then the lorde chauncellour, or other suche iustice or iustices, before whom suche writ of scire facias shalbe returnable, shall make eftsones a newe writ or writes out of the said former record of iudgement, statut merchant, statute staple or recognisance, of like nature & effect, as the said former writ of execution was for the leuying of ỹ residue of all such debt & damage as then shal appeare to be vnleuied, vnsatisfied or vnpaid of the whole summe or summes in the said former writ of execution cõteined.

leined. Any lawe, custome, or other thing to the contrary hereof heretofore vsed in any wise notwithstanding.

¶ An acte for the true paiment of tythes and offrings, Anno. 32. H. 8. cap. 7.

¶ Tythes. 8.

WHere diuers and many persones inhabiting in sundry countries & places of this realme, & other the kings dominions, not regarding their dueties to almighty God, & to the king our soueraigne lord, but in fewe yeres past more contemptuously & commōly presuming to offende & infringe the good & holsome lawes of this realme, & gratious cōmaundemēts of our sayde soueraigne lorde, then in times past hath ben sene or knowen, haue not letted to subtract & withdraw ꝑ lawful & accustomed tithes of corns, hay, pasturages, other sort of tithes & oblatiōs cōmonly due to the owners proprietaries, & possessours of the personages, vicarages, & other ecclesiastical places, of and within ꝑ said realme & dominions, being the more encouraged therto for ꝑ that diuers of the kings subiects being lay psons, hauing personages, vicarages, & tithes to them & to their heirs, or to thē & to the heirs of their bodies lawfully begotten or for term of life or yeares, can not by the order and course of the ecclesiasticall lawes of this realme, sue

in

in any ecclesiasticall court for the wrongfull withholding & deteining of the said tithes or other duties, nor can not by the order of the common lawes of this realme haue any due remedy against any person or persones their heires or assignes, that wrongfully deteyneth or withholdeth the same, by occasion whereof much controuersie, suite, variance, and discorde is like to insurge and ensue among the kinges subiectes, to the great detriment, damage and decay of many of them if conuenient and spedy remedy therefore be not had and prouided.

¶ Wherfore it is ordeined & enacted by our said soueraigne lord ỹ king, & the assent of ỹ lords spirituall & temporall & the commõs in this present parliament assembled & by auctoritie of the same, that all and singuler persones of this his saide realme, or other his dominions, of what estate, degree or cõdition soeuer he or they be, shall fully, truely & effectually deuide, set out, yeld or pay all & singuler tithes & offerings aforesaid, according to ỹ lawfull customes & vsages of the parishes & places where such tithes or duties shal growe, arise, come, or be due. And in case ỹ |it| shall hapen any person or persons of his or their vngodly & peruerse will and mind, to deteigne or withhold any of ỹ said tithes or offrings or part or peel thereof, thẽ ỹ parsõ or party being ecclesiastical or lay psõ, hauing cause to demãd or haue ỹ said tithes or offrings, being therby wrõged or greeued,

shall

shal & may convent the ꝑson or persons so offending before the ordinary, his cõmissary or other cõpetent minister, or leful iudge of ꝑ place where such wrong shall be done, according to the ecclesiastical lawes. And in euerie such case of matter or suite, the same ordinary, commissarie or other cõpetent minister or leful iudge, hauing the parties or their lawfull procuratours before him or them, shall and may by vertue of this acte proceede to the examination, hearing and determination of euerie suche cause or matter ordinarilie or summarily, according to the course and proces of the saide ecclesiasticall lawes, and thereupon may geue sentẽce accordingly. And in case that anie of the parties, for any cause or matter concerning that suit, do appeale from the sentence, order, and diffinitiue iudgement of the saide ordinarie, or other competent Judge, as is aforesaid: then the same Judge by vertue of this acte forthwith vpon such appellation made, shal adiudge to the other partie the reasonable costes of his suite therein before expended, & shal compel the same party appellant to satisfie and pay the same costs so adiudged by compulsory processe, and censures of the said lawes ecclesiastical taking euertie of the other party to whõ such costs shalbe adiudged and paide, to restore the same costes to the partie appellant, if after the principall cause of that suit of appeale shalbe adiudged against the same partie, to whom the saide

costes shalbe yelden. And so euery ordinary or other competent iudge ecclesiasticall, by vertue of this acte shal adiudge costs to the other partie vpon euery appeale to be made in any suite or cause of subtraction or detention of any tithes or offeringes, or in anye other suite to be made for or concerning the duety of such tithes or offerings.

¶ And further be it enacted by the authoritie aforesaide, that if anye person or persons after such sentence diffinitiue geuen against them, obstinatelye and wilfullye refuse for to pay their tithes and duties, or such summes of money so adiudged wherin they be condempned for the same, that then two Justices of the peace of the same shire, whereof one to be of the Quorum, shal haue authoritie by this acte, vpon information, certificate, or complaint to them made in writinge by the saide ecclesiasticall Judge that gaue the same sentence, to cause the same partie so refusinge, to be attached, and committed to the next gaole, and there to remaine without baile or mainepryse, till he or they shall haue found sufficient suerties to be bounde by recognysance or otherwise before the same Justices to the vse of our soueraign Lord the king, to performe the saide diffinitiue sentence and iudgement.

¶ Prouided alwayes and be it enacted by the authoritie aforesaide, that no person or persons shalbe sued, or otherwise compelled

to

to yelde, gene or pay any maner of tythes, for any manours, landes, tenementes, or hereditaments, which by lawes or statutes of this Realme are discharged, or not chargeable with the paiment of any suche tithes. | vide an. 31. H. 8. ca. 13. Monasteries 11. in fine. |

¶ Prouided also and be it enacted by auctoritie aforesaid, that this acte nor anye thing therin cõteined, shal in any wise binde thinhabitantes of the Citie of London and suburbes of the same, for to pay their tithes & offerings within the same citie & suburbes otherwise then they ought or shoulde haue done before ỹ making of this acte, any thing in this act conteined to ỹ contrary notwithstanding. And be it further enacted by auctoritie aforesaide, ỹ in all cases where any person or psons, which nowe haue or which hereafter shall haue any estate of inheritance freehold, terme, right, or interest, of in or to any personage, vicarage, portiõ, pensiõ, tithes oblations, or other ecclesiasticall or spirituall profite, which nowe be, or which hereafter shall be made temporall, or admitted to be abide and go to or in temporall handes & lay vses and profites by the lawe or statutes of this realme, shall hereafter fortune to be disseised, deforced, wronged, or otherwise kepte or put from their lawfull inheritance estate, seison, possession, occupations, terme, right, or interest, of in or to the same, or of in | or | to any parcell thereof by anye other persone or personnes, claming or pretendinge to

haue interest or title in or to the same, that then in all and euery suche case or cases the persone or persones so disseised, deforced or wrongfully kept or put from his or their right or possession, as is afore rehearsed, their heires, wiues, and such other, to whom such iniury |or| wrong shall be done or cõmitted shal & may haue their remedie in the kings temporall courtes or other temporall courts as the case shal require, for the recouery getting or obtaining of such inheritaunce, estate freeholde, seison, possession, terme, righte, or interest, by writes original of Precipe quod reddat, Ass. of nouel disseisyn, Mordaunc, Quod ei deforceat, writes of dower, or other writes originall, as the case shall require, to be deuised and graunted in the kinges court of Chauncery, of euery such personage, vicarage, portion, pension, or other profite called ecclesiasticall or spirituall, so to bee demaunded according to the nature and cause of the suite thereof, in like maner and fourme as they should, ought, or might haue had, of or for landes, tenementes, or other hereditamentes, in suche maner to bee demaunded. And that writes of couenaunt and other writes for fines to be leuied, and all other assurances to bee had made or conueied of any such personage, vicarage, portion, pension, or other profite called ecclesiastical or spiritual, as is aforesaide, shall bee hereafter deuised & graunted in the said Chauncery, according as hath bene vsed for fines, to be leuied, and

assurance

assurance to be had made or conueied of landes, tenements, or other hereditaments. And that all iudgements to be geuen vpon any of the sayde writes originall so to bee deuised or graunted of or for any the premisses or any of them: and all fines to bee leuied and knowledged in any of the kings said courts thereof shal be of like force and effect in the lawe, to all intentes and purposes, as iudgementes geuen and fines leuied of landes, tenementes, and hereditamentes in the same courtes vppon writtes originall therefore duely pursued and prosecuted, albeit no such fourme of writes originall out of the sayde courte of Chauncery haue heretofore proceded or bene awarded.

¶ Prouided alwaies, that this laste acte shall not extende nor bee expounded, to geue anye remedye cause of action or suit in the courtes temporal against any person or persones, which shall refuse or deny to set out his or their tithes, or whiche shall deteyne, withhold, or refuse, to paye his tythes, and offeringes, or any parcell thereof, but that in all such cases the person or partie being ecclesiasticall or lay persone, hauing cause to demaunde or to haue the sayde tithes, or offeringes | and thereby wronged or greeued, shall take and haue their remedye for theyr saide tithes and offeringes, in euery such case in the spirituall courtes, according to the ordinaunce in the first part of this acte mentioned, and not otherwyse. Anye thinge

herein expressed to the contrary thereof notwithstanding.

¶ An acte against maintenance, embracery, &c, and against vnlawfull buying of titles. An. 32. H. 8. cap. 9.

¶ Maintenance. 7.

THe King our soueraigne lord calling to his moste blessed remembrance, that there is nothing within this Realme that conserueth his louing subiectes in more quietnes, rest, peace and good concord, then the due and iust ministration of his lawes, and the true and indifferent trials, of such titles and issues as bene to be tried, according to the lawes of this Realme, which his most Royal maiestie perceiueth to bee greatly hindered and letted by maintenance, embracery, champertie, subornation of witnesses, sinister labour, buying of titles, and pretenced rightes, of persounes not being in possession, whereupō great periury hath ensued, and much inquietnes, oppression, veration, trouble, wrongges, and disenheritaunce hath followed among his most louing subiectes, to the great displeasure of almighty God, the discontentation of his maiestie, and to the great hinderaunce and let of Iustice within this his Realme: For the auoiding of al which misdemeanours and buying of titles and pretenced

tented rightes, & to the intent that Iustice may be moze fully and indifferentlie minis-tred, and the trueth in causes of contention plainelie tried, betweene his subiects of this Realme: Be it enacted by our said Soue-raigne Lord, with the assent of the Lordes spirituall and temporall, and the commons in this present parliamēt assembled, and by authoritie of the same, that from henceforth all statutes heretofore made, concerninge maintenaunce, champertie, and embraceric, or anie of them, nowe standing and being in their full strength and force, shalbe put in due executiō, according to the tenoures and effectes of the same statutes.

¶ And ouer that be it further enacted, by the authoritie aforesaide, that no person nor persons, of what estate, degree or condition soeuer he or they be, shall from henceforth bargain, buy or sel, or by any waies or mea-nes obtaine, get, or haue any pretēsed rights or titles, or take, promise, graunt, or coue-naunt, to haue any right or title, of any per-son or persons, in or to any maners, landes, tenementes, or hereditamentes, but if suche person or psons, which shal so bargain, sell, geue, graūt, couenant, or promise the same, their anteceſſours or they by whom he or they claime the same haue bene in possession of the same, or of the reuersion or remain-der thereof, or taken the rentes or pro-fites thereof, by the space of one whole yere next before the sayde bargaine, couenaunt,

graunt, or promise made, vppon peine that hee that shall make anie suche bargaine, sale, promise, couenant, or graunt, to forfayt the whole value of the landes, tenementes, or hereditaments so bargained, sold, promised, couenaunted, or graunted, contrarie to the fourme of this act. And the buyer or taker thereof, knowing ỹ same to forfait also the value of the said landes, tenementes, or hereditaments so by him bought, or taken, as is abouesaide. Thone halfe of the saide forfaitures to be to the king our soueraigne Lord, and the other halfe to the partie that will sue for the same, in anie of the kings courts of record, by action of debt, bil, plaint or information. In which actiō, bill, plaint, or information no essoine, protection, wager of law, nor iniunction shall be allowed.

And furthermore, that no maner of person or persons, of what estate, degree, or cōdition soeuer he or they be, do hereafter vnlawfully mainteine, or cause, or procure anie vnlawfull maintenance, in any action, demaunde, suite, or complaint, in anie of the kinges courtes of the Chauncery, the starre Chamber, White hall, or els where, within any of the kings dominions of England or Wales, or the marches of the same, where any persō or persons haue, or hereafter shal haue auctoritie by vertue of the kings cōmission, patent, or writ, to hold plee of lāds, or to examine, heare, or determine, anie title of landes, or anie matter or witnesses

concer-

cerning the title, right, or interest of anie lands, tenementz, or hereditamentz. And also that no person or persõs, of what estate, degree, or condition soeuer he or they be, do hereafter vnlawfully retein for maintenãce of anie suit or plee, anie person or persones or embrace any freeholders or iurrours, or suborne anie witnes by letters, rewardes, promises, or by anie other sinister labour or meanez, for to maintein any matter or cause or to the disturbance or hinderance of iustice or to the procuremẽt or occasion of any maner of periury by false verdict, or otherwise, in any maner of courts aforesaid, vpon pein of forfeiture of euery such offẽce x.li. The one moity thereof vnto the king our soueraign Lord, and the other moity to him that will sue for the same by action of debt, bill, plaint or information, in ame the kinges courtes, in which action, no essoine, protection, swager of lawe nor iniunction shalbe allowed. ¶ Prouided alway, & be it enacted by the authoritie aforesaide, that it shalbe lawfull to any person or persons, being in lawfull possession by taking of the yerely ferme, rentes or profites of or for any maners, landz, tenementes, or hereditaments, to buy, obtaine, get or haue, by anie reasonable way or meanes the pretensed right, or title of anie other person or persõs, hereafter to be made to of or in such maners, landes, tenementes or hereditamentes, whereof he or they shal so bee in lawfull possession: anie thing in

this

this act conteined to the contrary notwithstanding.

¶ And for the due execution of this present acte, be it further enacted by auctholity aboue laide, that the Justices of assise of euerie circuit within this realme & els where within the kings dominions, shall in euerie countie within their circuits, two times in the yere, that is to say, in ỹ time of their sittings, for the taking of assises or deliuerie of the gaoles, cause open proclamation to bee made, aswel of this present acte, and of euerie thig therin contained, as also of al other statutes heretofore made, against vnlawful maintenaunce, champerty, embracery, or vnlawful retenours, to thentent ỹ no maner of person or psons, hearing the same should be ignorant or misrecognisant of the dañgers and penalties therein contained and specified.

¶ Prouided alwey, and be it enacted by the auctholitie aforesaid, that this acte shall not extende to charge any person or persons with anie of the penalties mẽtioned in the said acte, for anie offence by him or thẽ committed, contrarie to the said acte, except the same person or persons so offending be sued thereof by action of debt, bil, plaint, or information in any of the kings courtes within one yere next after the same offence by hym or them committed as is aforesaid.

¶ An

¶ An acte that leſſees ſhall enioy their fermes againſt tenants in taile, or in the right of their wiues, or churches.

&c. An. 32. H. 8.

Cap. 28.

¶ Leaſes. 2.

BE it ordeined, eſtabliſhed and enacted by the kung our ſouereigne lord, the lords ſpiritual and temporal, and the cōmons in this preſent parliament aſſembled, and by auctholitie of the ſame, that all leaſes hereafter to be made of anie manours, landes, tenementes, or other hereditamentes, by writing indented, vnder ſeale, for terme of yeres, or for terme of life, by anie perſon or perſones being of full age of one and twentie yeres, hauing any eſtate of inheritance either in fee ſimple, or in fee tayle, in their owne right, or in the right of their churches or wiues, or iointly with their wiues, of anie eſtate of inheritance made before the coueriure or after, ſhall bee good and effectuall in the lawe, againſt the leſſours, their wiues, heires and ſucceſſours, and euery of them, according to ſuche eſtate as is compriſed and ſpecified in euerie ſuch indenture of leaſe, in like manner & fourme as the ſame ſhould haue bene, if the leſſours thereof, and euerie of them, at the time of the making of ſuch leaſes had bene

lawe-

lawfully seased of the same lands, tenemēts and hereditaments comprised in such indēture, of a good, perfect and pure estate of fee simple thereof to their owne only vses.

¶ Prouided alway, that this act nor anie thing therein cōtained, shall not extende to anie leases to be made, of anie maners, lāds, tenementes, or hereditamentes, beinge in the handes of anie fermour, or fermours, by vertue of anie olde lease, vnlesse the same olde lease be expired, surrendred, or ended, within one yere next after ẏ making of the said new lease, nor shal extend to any graūt to be made of any reuersion, of anie maners, landes, tenementes, or hereditamentes, nor to any lease of anie maners, landes, tenementes, or hereditaments, which haue not moste commonly ben letten to ferme, or occupied by the fermours thereof, by the space of xx. yeares next before such lease thereof made, nor to anie lease to bee made, without empeachement of waste, nor to anie lease to be made aboue the number of one & twenty yeres, or three liues at the moste, from the day of making thereof. And that vpō euery such lease there be reserued yearely duringe the same lease due & paiable, to the lessours their heires and successours, to whom the same landes should haue commen after the deathes of the lessours, if no such lease had bene thereof made, and to whom the reuersion thereof, shall appertaine, accordinge to their estates and interestes, so much yerely

ferme

ferme or rent, or more, as hath beene moste accustomably yelde or paide for the manors, landes, tenementes, and hereditamentes, so to be letten within xx. yeres next before such lease therof made, and that euery such person and persons, to whom the reuersion of such manours, lands, tenements, or hereditements, so to be letten, shall appertaine as is aforesaide, after the deathes of such lessours or their heires, shall & may haue such like remedie and auantage, to all intentes & purposes, against the lessees thereof, their executours and assignes, as the same lessour should or might haue had against the same lessees. So that if the lessour were seised of any especiall estate taile of the same hereditaments, at the time of such lease, that the issue or heire of that especial estat, shal haue the reuersion, rentes and seruices reserued vpon such lease, after the death of the saide lessour, as ye lessour himselfe might or ought to haue had if he had liued.

¶ Prouided alway that the wife be made partie to euery such lease, which hereafter shal be made |by| her husband, of any manours, landes, tenements, or hereditamentes, being the inheritaunce of the wife, and that euery such lease be made by indenture in the name of the husband and his wife, and she to seale to the same. And that the ferme and rent be reserued to the husbande and to the wife, and to the heires of the wife according to her estate of inheritaunce in the same,

same. And that the husband shal not in any wise alien, discharge, graunt or geue awaye the same rent reserued, nor any part therof longer then during the couerture, without it be by fine leuyed by the saide husband & wife: But that the same rent shall remaine discend, reuerte or come after ỹ death of such husbande, vnto such person or personnes, & their heires, in such maner and sorte, as the lands so seiled should haue done if no such lease had thereof been made.

¶ Prouided also that this acte extend not to geue any libertie or power to any person or persons to take any mo fermes, leases, or takings of any manours, landes, tenementes or other hereditaments, then he or they should or might lawfully haue done before the making of this acte. | See the statute made 25. H. 8. cap. 13. shewe. 2. | nor entēd to geue any libertie or power to any person or vicar, of any church or vicarage, for to make any lease or graunt of any their messuages, landes, tenements, tithes, profites, or hereditaments belonging to their churches, or vicarages, otherwise or in any maner then they should or might haue done before the making of this acte, any thing conteyned in this acte to the contrary notwithstāding.

¶ And furthermore be it enacted by auctho ritie aforesaide, that all leases at any time within the space of three yeres nexte before the xij. daye of Aprill, and in the xxxi. yere of our soueraign Lord the kings raign, made

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by writing indented vnder seale, by anye person or persons of full age, of whole memory, not vnlawfullie coarcted, nor being couert baron, for terme of yeres, of any manours, landes, tenementes, or other hereditamentes, whereof the lessour or lessoures, were seised of any estate of inheritaunce, of and in the same to their owen only vse at the time of makinge any such lease thereof, and whereof the lesses their executours and assignes, be now in possessiō by vertue of the same lease, and no cause of reentry or forfaiture therof had or made, shalbe good and effectuall in the lawe, against the lessoures, their heires and successours, and the heires and successours of euery of them, according to the couenauntes, articles, and agreementes specified in euery such indenture of lease So alwais there be reserued & yerely payable, during the same lease, to the said lessors their heirs or successors, or to such other as should or ought to haue had ye same manours, lands, tenements, or hereditamentes so leased, after the decease of such lessours, in case no such lease had thereof bene made, as much yerely rent for the same, as was at any time therfore yelden or paid within xx. yeres next before ye making of any such lease, or els such leases to be of no other force ne effect, then they were before the makinge of this present acte.

¶ And moreouer for certaine considerations, be it enacted by authoritie aforesaide, that

that no fine, feoffement, or other act or actes hereafter to be made, suffered, or done, by the husband only, of any manours, landes, tenementes, or hereditamentes, being the inheritaunce or freeholde of his wife, during the couerture betweene them, shal in any wise be or make any discontinuance therof, or be preiudiciall or hurtful to the said wife, or to her heires or to such as shal haue right, title, or interest to ỹ same by the death of such wife or wiues. But that ỹ same wife or her heires, & such other to whom such right shall appertaine, after her decease, shall and maye then lawfully enter into all such manours, landes, tenementes, and hereditamentes, according to their rightes, and titles therein, any such fine feoffement or other acte to the contrary notwithstanding, fines leuied by the husband and wife (whereunto the sayd wife is party and privy) only except.

¶ Prouided furthermore, that this clause or acte, extende not to geue any liberty to anye such wife, or to her heires, for to auoide any lease hereafter to be made of any thenheritaunce of the wife by her husbande and her for terme of xxi. yeares, or vnder, or anye her inheritaunce for terme of three liues at the vttermost, whereupon as much yearely rent or more is or shall be reserued, & yerely paiable during ỹ saine lease, as was at any time therfore yelde or paied within xx. yeres next before the making of any such lease, according to the tenour of this present acte,

any

any thing therein conteined to the contrary notwithstanding.

¶ Prouided also, that this act extend not to make good any lease or leases, heretofore made, by any ecclesiasticall person or persons by their couent or common seale, which bee made void or taken away, by aucthoritie of any act of parliament heretofore made, nor extende to make good anye lease or leases, heretofore made by any ecclesiasticall person or persones nowe being attainted of treason, vnder their couent seale or otherwise, or by any other person or persons nowe being attainted of treason by act of parliam̃t or otherwise: But that all & singuler such lease and leases & euery of them now made or hereafter to be made, shalbe of suche like effect and strength in the law & none other as they & euery of them were before ẏ making of this act: any thing before mentioned in this acte to the contrary thereof notwithstanding.

¶ An acte concerning mispleading, ieofayles and attourneis. 32. H. 8. cap. 30.

¶ Repleader. 1.

FRō hēceforth if any issue be tried by ẏ othe of twelue or mo indifferent men for the party plaintife or demaūdāt or for the party of the tenāt or defendant, in any maner of

action or suite at the common lawe of this realme, in any the kinges courtes of recorde, that then the Justice & Justices by whom iudgem̃t thereof ought to be geuen, shal procede and geue iudgement in the same, anye mispleading, lacke of colour, insufficient pleading or ieofayle, any miscontinuance or discōtinuance of miscōueying of ꝓcesse, misioyning of ye issue, lack of warrāt of atturney of the party against whom the same issue shall happē to be tried, or any other default or negligence of any of the parties, their cōusellors or attourneys, had or made to the contrarye notwithstanding. And the said iudgements thereof so to be had and geuen shall stande in full strength and force, to all intentes & purposes, according to the saide verdict, without any reuersell or vndooing of the same by wryt of errour or of false iudgement in like fourme as though no suche defaulte or neglygence had neuer ben had or committed.

¶ Prouided alway and be it enacted by the aucthoritie aforesayde, in auoydinge of errours and other great incōueniences, that daylye do fortune to ryse and growe in the kinges courtes of recorde at westminster, through the neglygence of attourneys, because they delyuer not their warrantes of attourney in suche actions and suites, wherin they bee named attourney, according to the lawes of this realme, that all and euery suche personne and personnes, whiche shall fortune hereafter to bee attourney to or for

any

any other persone or persones, being demaundant or plaintife, tenant or defendant in any action or suite, at any time hereafter commenced or taken in any of the kings said courts, and pleade to any issue in the same action or suite: That then the same attourneis and euery of them from time to time, shall deliuer or cause to bee deliuered his or their sufficient and lawfull warrante of attourney, to be entered of recorde for euery of the said actions or suites, wherein they be named attourneis, to the officer or his deputie, ordeined for the receipte and entering thereof, in the same terme when the said issue is entered of recorde in the sayde courte, or afore, vpon peine of forfaitinge vnto our saide soueraign lord ten poundes sterling for euery defaute, for non deliuering of the said warrant of attourney. And also further to suffer such imprisonment as by the discretion of the iustices of the court for the time being, where any such default shal fortune to be had or made, shalbee thought conuenient: This present acte with ỹ prouiso to endure till the laste day of the next parliamẽt | This was continued An. 33. H. 8. ca. 17. E. An. 37. H. 8. ca. 23. E. An. 2. E. 6. ca. 32. it was made perpetuall.

¶ An acte concerning iointenants for terme of life, or yeres. Anno. 32. H. 8. Cap. 32.

Partition. 4.

FOrasmuch as in the pliamēt begon at Westm̄ the eight and twenty day of Apryll, & there cōtinued til the xxviij. day of June the xxxi. yere of ꝧ kings most noble & victorious raign that now is: It was amōgst other things there enacted and established, that all iointenants and tenants in common, that then were or hereafter should be of any estate or estates of inheritance in their owen rights, or in the right of their wiues, of any manors, lands, tenēments or hereditamēnts, within this realm of England, Wales, or marches of the same, shal & may be coacted and compelled by vertue of the said act, to make partitiō betwene them of all such manors, lands, tenementes, and hereditaments as they thē held, or hereafter should hold as iointenants, or tenantz in common, as more plainly at large appeareth by the said statute. And forasmuch as the saide estatute doth not extende to iointenants and tenants in common for terme of life or yeres, nether to iointenantes and tenants in common, where one or some of them haue but a particular estate for terme of life or yeres, and the other haue estate or estates

eſtates of inheritance, of and in any manors, lands, tenements, and hereditaments. Be it therfore enacted by the king our ſouereigne lord, and by thaſſent of the Lords ſpirituall and temporal, and the commons in this preſent parliament aſſembled, and by the auctoritie of the ſame, that all iointenants and tenants in common, & euery of them which now hold, or hereafter ſhal hold, iointly or in common, for terme of life, yere or yeres, or iointenants or tenants in commō, where one or ſome of them haue or ſhal haue eſtate or eſtates, for terme of life or yeres, with ȳ other, that haue or ſhal haue eſtate or eſtates, of inheritance or freehold, in any manors, lands, tenements or hereditaments, ſhall & may be compellable from hēceforth, by writ of partition, to be purſued out of the kinges court of chancery vpon his or their caſe or caſes, to make ſeuerāce & partitiō of al ſuch mannours, lands, tenements, and hereditaments, which they holde iointly or in common, for terme of life or liues, yere or yeres, where one or ſome of thē hold iointly or in common for terīn of life or yeres, & other, or that haue an eſtate or eſtates of inheritance or freeholde.

¶ Prouided alway and be it enacted that no ſuch partition nor ſeuerance hereafter to be made, by force of this acte be nor ſhall be preiuditiall or hurtful to any perſon or perſons, their heires or ſucceſſors, or other then ſuch which be parties vnto ȳ ſaid partition

their executors or aſſignes.

¶ That the dying ſeaſed of a wrongful diſſeiſor is no diſcent in the law. 32. H. 8. Cap. 33.

¶ Entre lawfull. 2.

Here diuers perſõs, of their inſatiable mindz, haue hertofore by ſtrẽgth, & ẏbout title, entered into manors, landz, tenemẽtz, & other hereditaments, and wrõgfully diſſeaſed ẏ rightful owners & poſſeſſors therof, and ſo being ſeaſed by diſſeiſin, haue thereof dyed ſeaſed, by reaſon of which dying ſeaſed, that diſſeiſee, or ſuch other perſonnes as before ſuche diſcent might haue lawfully entred into the ſaide manours, lands and tenements, were and be therby clerely excluded of their entre into the ſaid manours, lands, & tenements, and put to their action for their remedy and recouery therin, to their great coſtes & charges. For reformation wherof, be it enacted by the aucthoritie of this preſent parliamẽt, that the dying ſeaſed hereafter, of any ſuch diſſeiſor, of, or in any manours, landes, tenements or other hereditamẽts, hauing no right or title therin, ſhall not be takẽ or demed from henceforth any ſuch diſcent in the law, for to tolle or take away, the entre of any

of anie ſuche perſonne or perſonnes, or their heires which at the time of the ſame diſcent had good and lawfull title of entre, into the ſaid manours, landes, tenements or hereditaments, except that ſuche diſſeyſour, hath had the peaſible poſſeſſion of ſuch manours, landes, tenements or hereditaments wherof he ſhall ſo die ſeyſed, by ye ſpace of v. yeres next after the diſſeiſin therein by him committed, without entre or continuall claime, by or of ſuch perſon or ptys as haue lawfull title thereunto.

¶ An act cõcerning graũtees of reuerſiõ to take auaũtage of the conditions to be performed by the leſſee, Anno, 32. H. 8. cap. 34.

¶ Condition. 1.

WHere before this time, diuers as well temporall as eccleſiaſticall and religious perſonnes, haue made ſundrie leaſes, demiſes, and grauntes to diuers other perſons, of ſundrie manours, lordſhips, fermes, meaſes, landes, tenements, medowes, paſtures or other hereditamẽts, for terme of life or liues, or for term̃ of yeres, by writing vnder their ſeal or ſeals, cõcerning alias cõteinig certein cõditiõz, couenãtz, & agremẽts, to be performed as wel on ye part & behalfe, of ye ſaid leſſees & graũtees, their executourz and aſſignes, as on the behalfe of the ſaide

lessours and grauntours, their heires & successours. And forasmuch as by the common lawe of this realme, no straūger, to any covenant, action, or condition shall take anie aduantage or benefite of the same, by anie meanes or waies in the lawe, but only such as be parties or privies therunto, by the reasō whereof as well al graūtees of reuersions, as also al graūtees & patentees of the king our soueraigne lord, of sundry maners, lordships, graūges, termes, meases, lands, tenements, medowes, pastures, or other hereditamentes, late belonging to monasteries and other religious & ecclesiastical houses, dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or by other means come to the hands & possession of the kinges maiesty, since the fourth day of Februarie, the xxvij. yere of his most noble raigne be excluded to haue any entre or action against the said lessees and grauntees, their executours or assignes, which the lessors before ỹ time, mought by ỹ lawe haue had, against ỹ same lessees, for the breach of any cōdition, couenant, or agreement, compriled in the indentures of their said leases, demises, & graūts: Be it further enacted by the king our soueraigne lord, the lords spiritual & temporall, and the commons in this present parliamēt assembled, & by authoritie of the same, that as well all & euery persō & psons, & bodies politique, their heires successors & assignes, which haue or shal haue, any gift or grāt of

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our said soueraigne lorde, by his letters patents, of any lordships, maners, lands, tenement, rents, personages, tithes, portions or any other hereditaments, or of anie reuersiō or reuersions of the same, which did belong & appertaine to any of ye said monasteries, & other religious & ecclesiastical houses, dissolued, suppressed, relinquished, forfaited or by any other meanes come to ye kingz hāds since the saide fourth daye of Februarie the xxvij. yere of his most noble reign, or which at any time heretofore did belong or appertaine to anie other ꝑson or persons, & after came to the handz of our said soueraign lord as also al other persons, being graūtees or assignees, to or by our said soueraigne lorde the king, or to or by any other persō or persons, then the kings highnes, and the heirz, executours, successours & assignes of euerie of them, shal and may haue & enioy like aduantage against the lessees their executors, administratours and assignes, by entre for non paym̄t of the rent, or for doing of waste, or other forfaiture: & also shall & may haue & enioy all & euerie such like, & the same aduantage, benefite, & remedies by actiō onely for not perfourming other conditions, couenants or agreements conteined & expressed in the indentures of their said leases, dimises, or grauntes, against all and euery ye said lessees & fermourz, and grauntees, their executours, administratours, and assignes, as the saide lessours or graūtours themselues

or their heires or successours, ought, should or might haue had and enioyed, at anie time or times, in like maner and fourme as if the reuersion of such lands, tenementes or hereditaments, had not come to the hands of our said soueraigne lord, or as our saide soueraigne lorde his heires and successours should or might haue had and enioyed, in certaine cases by vertue of the acte made at the first session of this present parliament if no such grāt by letters patētz had bē made by his highnes. | Se Anno. 31. H. 8. ca. 13.

Moreouer be it enacted by aucthoritie aforesaid, that al fermors, lessees, & grauntees, of lordships, maners, lāds, tenementz, rents, personages, tithes, portions, or anie other hereditaments for terme of yeres, life or liues, their executours, administratours, & assignes, shal & may haue like action, aduauntage & remedy, against all & euery person & persons & bodies politike, their heirz, successours and assignez, which haue or shal haue any gift or graunt of the king our soueraigne lorde, or of any other person or psons of the reuersion of the same manours, lands, tenements and other hereditamentes so letten, or any parcel thereof, for anie condition, couenaunt or agreement, cōteined or expressed in the indenturez of their lease and leases, as the same lessees or anie of them, might and should haue had against the said leassours & grauntours, their heirez or successours, all benefits and aduauntages, of

recoue=

recoueries in value, by reason of anie warranty in deede, or law by voucher, or otherwise, onely excepted.

¶ Prouided alwaies that this act nor anything or things therein conteined, shall extende to hinder or charge any persone or persones, for the breache of any couenant or condition, compriſed in any such writing as is aforesaid, but for such couenants and conditions as shalbe broken or not performed after the first day of September next comming, & not before, any thing before in this acte conteined to the contrarie thereof notwithstanding.

Fynes.

¶ An act for the exposition of the statute of fynes, Anno. 32. H. 8. Cap. 36.

¶ Fynes. 9.

FOr as muche as in the fourth yere of the raigne of the late king of famous memorie king Henrie the seuenth father of oure moste dread soueraigne lorde the king that nowe is, | videlicet 4. H. 7. capitulo 24. | it was among manie good and sundry statutes and ordinaunces then made for the common wealth, enacted, ordeined and established, the forme & maner how fines shoulde be leuied with proclamations, in the kings court, before

fore his iustices of his commō place, & that such fines with proclamations, so had and made, to the intent to void al strifes, and debates should be a final end, & cōclude aswel priuies as straungers to the same, certaine persons excepted & saued, as in the same estatut more plainly apeareth. Sithē which time by diuersitie of interpretation and expounding of the same estatute, it hath ben, & yet is by some maner of persons doubted & called in question, whether fines with proclamations, leuied or to be leuied before the said iustices, by anie ꝑson or persōs, hauing or claiming to haue, in anie maners, lands, tenements, or hereditam̄ts comprised in the same fine, in possession, reuercion, remainder or in vse, anie maner of estate taile, shoulde immediatly after ẏ said fine leuied, ēgrossed & proclamatiō made, binde the right heire & heires of such tenaunt in taile, & euery other ꝑsō & ꝑsōs seised, or claiming to their vse or vses | Se P. 19. H. 8. case 5. | by occasion wherof diuers debates, cōtrouersies, suits & troubles haue ben begon, mooued & had w= in this realme, and mo be like to ensue if remedy for the same be not prouided: For the establishment and reformation wherof, and for the sure and sincere interpretation of the said estatute, in auoiding all daungers, contentions, controuersies, ābiguitiez & doubts that hereafter may ensurge, growe, & happen: Our soueraign lord the king, with the assent of the lordes spiritual and temporal, and the commons in this present parliamēt assembled,

assembled, & by auctoritie of the same, hath enacted and ordeined, that all and singuler fines, as well heretofore leuied as hereafter to be leuied, before the said iustices, with proclamations, according to the said estatut, by any person or persons, of full age of .xxi. yeres, of any manours, landes, tenementes, or hereditaments, before the time of the same fine leuied, in any wise entayled, to the person or persons so leuying the same fine, or to any the aūcestour or aūcestours of the same persone or persones, in possession, reuersion, remainder or in vse, shall be immediatly after the same fine leuied, engrossed, & proclamations made, adiudged, accepted, deemed, and taken, to all intentes and purposes, a sufficient barre & discharge for euer, against the saide persone and personnes, and their heires, clayming the same landes, tenemēts and hereditamentes or anye parcell thereof, onely by force of anye suche tayle, and against all other personnes, clayming the same, or any parcell thereof, onelye to their vse, or to the vse of any maner of heire of the bodies of them, any ambiguitie doubt or cōtrariositie of opinion, rysen or growen vpon the saide estatute, to the contrary notwithstanding.

¶ Prouided alway that this acte nor any thing therein conteined, shall extend to barre or exclude, the lawfull entre, title or interest, of any heire or heires, pson or psons, heretofore geuen, or hereafter to be geuen growen

or

or accrewed to them or any of them, in or to any maners, landes, tenements or hereditamentes, by reason of anie fine or fines heretofore leuied, or hereafter to be leuied, by any woman, after the death of her husband, contrarie to the fourme, intent and effect of the estatute made in the xj. yere of the saide late king Henry the viij. ca. 20. of anie maners, landes, tenements and hereditamentes, of the inheritance or purchase of ỹ said husbād or of any his aūcestors, geeuen or assigned, to any such woman in dower, for terme of life, or in taile, in vse or in possessiō, but that the same act made in ỹ said xj. yere of ỹ said late king Henry the seuenth, shal stand, remaine & be in ful strength & vertue, in euerie article, sentence and clause therein conteyned in like manner and fourme, as though this present acte had neuer ben had ne made.

¶ Prouided also that this act ne any thig therein conteined, do extende to anie fine or fines, in anie time heretofore leuied, or hereafter to be leuied, of any lordships, maners, landes, tenements or other hereditaments, whatsoeuer they bee, the possessioners and owners whereof, by reason of anie expresse words, conteined in anie special act or actes of parliament, made or ordeined, sithen the saide .iiij. yeare of the raigne of the said late king Henry the vij. stand, be boūden, or restrained, from making any alienatiōs, discōtinuances or other alterations, of any of the same

same lordships, manors, landes, tenements, or hereditaments, conteined in the sayde fine or fines, but that all and every such fine and fines, at any time heretofore leuied, or hereafter to be leuied, by any such pson/or/persons or their heirs, of any such lordships, manors lands, tenements, or other hereditamentes, shalbe of such like force and strength in the lawe, and of none other effect then that same fine so leuied or to be leuied, should haue bē, if this present acte had neuer been had nor made, any thing therein conteined to the cō=trary thereof in any wise notwithstanding.

¶ Prouided also that this acte nor anye thing therein conteigned, shall extend to any fine or fines, heretofore leuied, of any ma=nors, landes, tenements, or hereditamentes, nowe in suite demaunde or variaunce, in any of the kings courtes, or wherof any charters euidences or muniimentes concerninge the same, be now in demaund in the kings high court of chauncery, nor to anye fine or fines, heretofore leuied of any manours, lands, te=nements or hereditaments, which before the first day of this present parliament, haue ben recouered gotten or obteined, by reason of any iudgement, entre, decree, arbitrement or other lawfull meanes, contrary to ỹ purport intent or effect, of any such fine or fines ther=of heretofore leuied, nor to any fine or fines heretofore leuied, or hereafter to be leuyed, by any persone or persones, of any manors, landes, tenementes, or hereditamentes,

before

before the time of ỹ leuying of the same fine, geuen, graunted, or assigned to the saide person or persons, so leuying the same fine, or to any of his or their auncestours in the tayle, by vertue of any letters patents of our sayd soueraigne lorde, or any of his progenitours or by vertue of any acte or actes of parliament, the reuersion whereof at the time of the same fine or fines so leuied, being in our said soueraigne lorde his heires or successours: But that euery such fine & fines shall be of like force strength & effect, as they were or should haue ben, if this act had neuer ben had nor made.

Rentes.

¶ An act for recouery of arrerages of rẽts by executours of tenant in fee simple, 32. H. 8. ca. 37.

¶ Rentes. 2.

FOrasmuch as by ỹ order of ỹ cõmõ lawe, ỹ executors or administrators of tenãts in fee simple, tenants in fee taile, and tenants for terme of liues, of rents seruices, rent charges rent secks, & fee fermes, haue no remedy to recouer such arrerages of ỹ said rents or fee fermes, as were due vnto their testatours in their liues, nor yet ỹ heirs of such testatour, nor any pson hauing ỹ reuersiõ of his estate, after his decease may distraine or haue anye lawfull

lawfull actiō to leuie any such arrerages of rēts or of fee fermes, due vnto him in his life as is aforesaid, by reason wherof the tenāts of the demeane of such landes, tenementes, or hereditamentes, out of the whych such rentes were due and payable, who of ryght ought to pay their rēts and fermes, at such day and termes as they were due, doe many times kepe, hold, and retaine, such arrerages in their owne handes, so that the executors and administratours of the personnes, to whom such rentes, or fee fermes were due can not haue or come by the said arrerages of the same, towards |the| payment of the debts, and performaunce of the wil of the said testatours. |W.19.H.6.cap.83. fol.41. Dett.37. and Executors.98. Anno.4.E.3. Iust Noting.|

¶ For remedy whereof be it enacted by auctority of this present parliament, that the executours, & administratours of euery such persō or persons, vnto whom any such rent, or fee ferme, is or shall be due, & not paied, at the tyme of hys death, shal & may haue an action of debt, for al such arrerages, against the tenaunt or tenauntes, that ought to haue paied the sayed rent or fee fermes, so being behynde, in the life of their testatour, or against the executours and administratours of the said tenauntes. And also furthermore, it shall be lawfull to euery such executour and administratour, or any such person or personnes, vnto whom such

rent or fee ferme | is | or shalbe due, and not paid at the time of his death, as is aforesaid to distraine for the arrerages of al such rēts and fee fermes, vpon the landes, tenementes and other hereditaments, which were charged with the paiment of such rentes or fee fermes, and chargeable to the distresse of the said testatour, so longe as the sayd lands tenements, hereditamēts, cōtinue, remaine and be, in the season or possession of the said tenant in demeane, who ought immediatlye to haue paied the saied rent or fee ferme, so being behinde to the said testator in his life, or in the seison or possessiō, of any other person or persones, claimynge the said landes, tenementes and hereditamentes, onely by and from the same tenant, by purchase, gift, or discent, in like maner and fourme as their said testatour mought or ought to haue don in his life time, and the saied executours and administratours, shal for the same distresse, lawfully make answry, vppon their matter aforesaid.

¶ Prouided alwaie, that this act nor any thing therin contained, shal not extend to any such mannour, lordship or dominion in Wales, or in the marches of the same, whereof the inhabitauntes haue vsed time out of the minde of man, to pay vnto euery Lorde or owner of such lordship, manour, or dominiō, at his or their first entrye into the same any summe or summes of money, for the re-

redemption and discharge of all duties forfaitures and penalties, wherewith the said inhabitaunts, were chargeable, to any of their saied lordes auncestours or predecessours before his said entre.

¶ And further be it enacted by the authorite aforesaid, that if any man, which nowe hath, or hereafter shall have in the right of his wife, any estate in fee simple, fee taile, or for terme of life, of, or in any rentes or fee fermes, and the same rentes or fee fermes, nowe bee, or hereafter shall bee due behinde and unpaied, in the said wifues life, then the said husbande, after the death of hys saied wife, his executours and administratours, shal have an action of debt for the saied arrerages, against the tenaunt of the demesne that ought to have paied the same, his executours or administratours. And also ỹ said husbād, after the death of his said wife, may distrain for the said arrerages, in like maner & forme, as he mought have done, if hys said wife had ben thē living & make answerie upon his matter as is aforesaid.

¶ And likewise it is further enacted by ỹ authoritie aforesaid, ỹ if any pson or psons which nowe hath or hereafter shal have any rents or fee fermes, for terme of life or lives of any other pson or psōs, & ỹ said rēt or fee ferme, nowe be, or hereafter shalbe due, & behind & unpaied, in ỹ life of such persō or psons, for whole life or lives, ỹ estate of the said rēt or fee ferme did depend or cōtinue, &

after the saied person or persones doth dye: Then hee vnto whom the saied rent or fee ferme was due in fourme aforesaid, his executours & administratours, shal & may haue an action of debt against ỹ tenant in demesn that ought to haue paied the same, when it first was due, his executours and administratours, and also distraine for the same arrerages, vpon such landes and tenements, out of the which the said rẽts or fee fermes were issuing and paiable, in such like maner and fourme, as he ought or might haue done if such person or persones, by whose death the aforesaid estate in the said rents and fee fermes was determined and expired, had bẽ in ful life and not deade. And the auowrye for the takinge of the same distresse to be made in maner and fourme aforesaid.

¶ Willes.

¶ An Act for the explanation of the statutes of Willes An. 34. H. 8. ca 5.

¶ Willes 3.

Where in the last Parliament begunne and holden at Westminster the xxviij. day of Aprill, in the one and thirty yere of the kinges most gratyous Raigne | Cap. primo Willes. 2. | And there by diuers prorogations holdẽ and continued vnto

vnto the xviij. day of July, in the xxxij. yere of his saied raigne, It was by the kinges most gratious and liberal disposition, shewed towarde his most humble and obedient subiectes, ordeined and enacted, how and in what maner, lands, reuenements, and hereditamentes, myght by will, or testament, in writinge, or otherwise by any act or actes lawfully executed in the life of euery person geuen, disposed, willed, or deuised, for the aduauncement of the wife, preferment of children, payement of debtes, of euery such person, or otherwise, at his will or pleasure, as in the same act more plainely is declared. Sithen the makinge of which estatute, diuers doubtes, questions, and ambiguities, haue risen, bene moued & growen, by diuersitie of opinions taking, in and vpon the exposition of the letter of the same estatut.

¶ For a pleine declaration and explanation whereof, and to the intent and purpose, that the kinges obedient and louinge subiects, shal and may take the commoditie and aduantage of the kinges saide gratious and liberall disposition, the lordes spirituall and temporall, and the commons in this present parliament assembled, most humble beseechen the kinges maiestie, that the meaning of the letter of the same estatute, concerning such matters hereafter rehearsed, may bee by the authority of this present parliam̃t enacted, taken, expounded, iudged, declared, & explained, in maner & fourme followinge.

¶ First where it is contained in the same former statute, within diuers articles and braunches of the same, that all and singuler person and persons, hauing any manours, landes, tenementes, or hereditamentes, of the estate of inheritaunce, should haue full & free libertie power and authoritie, to geue, will, dispose, or assigne, as well by last will and testament in writing, or otherwise, by any act or acts lawfully executed in his life his manours, landes, tenements, or hereditamentes, or any of them in such manner and fourme, as in the same former act more at large it doth appeare, which words of estate of inheritance, by the authority of this present parliament, is and shalbee declared, expounded, taken, and iudged, of estates in fee simple onely. And also that al and singuler person and persons, hauing a sole estate or interest in fee simple, or seised in fee simple, in coparcenary, or in common in fee simple, of, and in any manours, landes, tenements, rents, or other heredytamentes, in possession, reuersion or remainder, or of rentes or seruices incident to any reuersion or remainder, and hauing no manours, landes, tenementes, or hereditaments holden of the king, his heirs or successors, or of any other person or persons, by knightes seruice, shall haue full and free liberty, power & authoritie to geue, dispose, will, or deuise, to anye person or persons (except bodies politike & corporate) by his last will and testament in wri-

writing, or otherwise, by any act or actes, lawfully executed ī his life, by him selfe soly or by himselfe and other iointly, seuerallie, or particularly, or by al those waies or anie of thē, as much as in him of right is or shal be, al his said maners, landes, tenementes, rents, and hereditamentes, or any of them, or any rents, commons, or other profites, or commodities, out of, or to be perceiued of the same, or out of any parcell thereof, at his owne free will and pleasure anie clause in the said former act notwithstanding.

¶ And further be it declared and enacted by the auctoritie aforesaid, that al and singuler person & persons, hauing a sole estate or interest in fee simple, or seised ī fee simple in copercenarie, or in cōmon in fee simple, of or in any maners, landes, tenements, rents, or other hereditaments, in possession, reuersion, or remainder, or of and in any rents or seruices incidēt to any reuersion or remainder, holden of the king by knights seruice in chiefe, or of the nature of knights seruice in chiefe, hath & by the auctority of this present parliament shal haue ful and free libertie, power and auctoritie, to geeue, dispose, will, or assigne to any person or persons (except bodies politike and corporate) by hys last wil & testamēt in writing, or otherwise by any act or acts, lawfully executed in his life, by him selfe soly, or by himselfe & other ioyntlie, seuerally, or particularly, or by all those waies or any of thē, as much as in hi

of right is or shal be, two partes aswell of all the said maners, lands, tenements, rentes, and hereditamentes, as of al and singuler his other rentes, and hereditamentes, or of any of them, or ante rentes, commons, or other profites or commodities, out of, or to be perceiued of the same two partes, or out of any parcel therof, in three parts to be deuided, or as much thereof, as shal amount to the full and clere yerely value of two partes therof, in three partes to be deuided of what person or persons so euer they be holden, at his free will and pleasure. And that by the authoritie aforesaid, ỹ sayd will so declared shalbe good and effectuall for two partes of the said maners, landes, tenementes, & hereditamentes, although the will so declared be made of the whole, or of more thē of two partes of the same. The same diuision to be made and set forth, by the deuisour or owner of the same manners, landes, tenementes and hereditamentes, by his last wil in writing or otherwise in writig. And in default thereof, by a commission to be graunted out of the kings court of the wardes and liueries, vpon the inquiry of ỹ true value thereof, by the othes of xij. men, and retourne or certificat therof had in the same court, of the saied maners, landes tenementes, and hereditaments, diuisiō to be made by the master of the wardes and liueries, if the master of the wardes and liueries for the time being, and the parties therunto can not otherwise

wise agree vpon the same deuisiõ. And that the issues and profites of the two partes of the same maners, landes, tenementes, and hereditamentes vpon euery such deuision to be restored to them, that shall haue right, or title to the same, from the death of ye owner or deuisour thereof.

¶ And further be it enacted and declared by thauctoritie aforesaide, that all and singuler person and persones, hauing a sole estate or interest in fee simple, or seised in fee simple, in coparcenarie, or in common, in fee simple, of and in any maners, landes, tenementes, rentes, or other hereditamentes, in possession, reuersion, or remainder, or of and in any rentes, or seruices, incident to any reuersion or remainder, holden of the king, his heires or successours by knightes seruice, & not in chiefe, or holdē of any other pson or psons by knights seruice shal haue full & free libertie, power & aucthority, to geue, dispose wil or deuise, to any pson or persons, except bodies politike & corporate, by his last wil & testamt in writing, or otherwise, by any act or actz lawfully executed in his life, by himselfe solye, or by hiself & other, iointly seuerally or particularly, or by all those wayes, or any of them, as much as in him of right is or shall be, two parts of al the said maners, landes, tenementes, and hereditamentes, or anie of them so holden by knightes seruice, or anie rentes common or other profites or commodities, out of, or to be perceiued of the same

same two parts, or out of any parcel therof, in iij. parts to be deuided, or as much therof, as shal amount to the full & clere yerelie value of two parts thereof, in three partes to be deuided, at his free wil & plesure. And that the said wil so declared, by aucthoritie afore said, shalbe good and effectuall, for two partes of the said maners, lands, tenementes, or hereditaments, although the will so declared be or shalbe made of ỹ whole lands & tenements, so holden by knightes seruice, or of more then of two partes of the same. And also for the whole of al other such maners, lands, tenements, and hereditamentes or ante of them, not holden of the king by knights seruice in chiefe, or otherwise by knights seruice, nor of any other person by knights seruice, & of any rẽts, commons, or other p̃fits or cõmodities, out of, or to be perceiued of ỹ same, or out of any parcel thereof at his free wil & plesure. The same deuisiõ to be made and set forth, by the owner of ỹ said maners, landes, tenementes, and hereditamentes, by his last will & testament in writing, or otherwise in writig. And in default thereof, for asmuch of the same maners landes, tenements, and hereditamentes, as shal concerne the kings interest, by commission, to be directed out of the kinges court of the wardes and liueries, in maner & forme as is afore said: if the master of the wardes and liueries for the time being, and the parties thereunto cannot otherwise agree vpõ

the

the same diuision. And that restitution of the issues & profits of the two partes thereof, shalbe had and made, in maner & fourme aboue said. And for such of the same maners lands, tenements, and hereditaments, as shall concerne the interest of any other lorde or lordes, by commission to be graunted out of the kinges court of the Chauncery, to enquire thereof, by the othes of xij. men, if the same lorde or lordes, and the parties thereunto can not otherwise agree vpon the same deuision.

¶ And be it further enacted & declared by auctoritie afor said, that the sauinges, reseruings, and prouisions, concerning sauing of the custody, wardship, relefe, and primer seison to the king, of such manners, landes, tenementes and hereditamentes, or asmuch thereof, as shall appertaine vnto him, by vertue of the said former act, and by the declaration and exposition thereof, declared by this present act, during the kinges interest therein. And also of the custody & wardship to other lords, of as much of such manners lands, tenements, and hereditamentes, holden of them, as shall amount and extend to the clere yerely value of ỹ third part thereof ouer and aboue al charges, without any diminution or abridgement of the third part, or of the full profits thereof, comprised and mencioned in diuers articles in the said former act contained, by ỹ auct hority afore said be & shalbe intended, expounded, & taken, as

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hereafter ensueth: that is to say, that ỹ king shal haue and take for his full thirde parte, of all such maners, landes, tenementes, and hereditaments, whereunto he is or shal bee intitled by the saide former act, and by this present act, such maners, landes, and tenements, as shall by any meanes discend, or come by discent, as well of estate of inheritaunce in fee taile, as in fee simple, or in fee taile onely to the heire of anie such person or that shal make any will, gift, disposition, or deuise, by his last wil in writing, or by any act or actes lawfully executed in his life, immediatlie after the death of the same deuisour or owner thereof. And that the will, gift & deuise of euery such deuisour or owner, of and for the two partes of the sayde maners, landes, tenementes, and hereditamentes residue, shal by the authority aforesaid, be and stande good and effectuall in the lawe, albeit the same will, gift, or deuise bee had and made of all his fee simple lands, tenements, and hereditaments, or of the more part thereof. And in case the same maners, landes, tenementes, and hereditamentes, which after the death of anie such owner or deuisour, which shall make anie such gift, disposition or deuise, by his last wil in writing, or otherwise, by any act or acts lawfully executed in his life, to his wife childrē or otherwise as is aforesaid, which shal immediatly after his death, discend, reuert, remaine or come, to his heire or heires, as wel

of

of estate of inheritance in fee taile, as of estate in fee simple, or fee taile onely, be not, or shal not amount or extende to the full clere yerely value of the ful thirde part, with the full profits thereof, of al the said manours, landes, tenementes, or other hereditamentz of the said deuisour or owner, accordinge to the true intent and meaning of the said former act, and of this present act, that thē the king shall and may haue and take into his handes and possession, to make vp hys full thirde part, with the ful profits thereof according to his interest therein, as much of the other manours, landes, tenementes, or hereditamentes, willed, geuen, disposed, or assigned by any such persō, to his wife, childzen or other wise, as is afozesaid, as wyth such of the same manours, landes, tenemētz, and hereditaments discended, or by anye meanes come vnto the heire, as heire of any such deuisour or owner, shall make vp the clere yerely value of the said ful thirde part with the full profits thereof, of al the sayed manours, landes, tenements, hereditaments of euery such owner or deuisour, so to bee had to the kynge, in title of wardshipp or primer season, as the case shall require. And the deuision thereof to be had and made, & with the restitution of the profits of ỹ two partes of the said manours, landes, tenementes, and hereditamentes, in such maner and fourme as is aboue rehersed. And like benefite and aduauntage to be geuen, had, & taken,

taken, by the said aucthoritie, to euery Lord and Lordes of whome any such manours, landes, tenementes, or hereditamentes, beene or shalbee holden by knightes seruice, in maner and fourme as is abouesaied concerninge onely his or their thirde partes thereof, accordinge to their said interest therin.

¶ And be it further enacted, by the aucthoritie aforesaid, that if it happen ye same third parte, or any parcel therof left, willed, or assigned, to the kinge or other lord, at any time during their interestes therin, to be lawfully euicted or determined, that then the kinge and the other Lorde, shall haue as much of the two partes residue, as shall accomplishe and make vp a full third part, in clere yerely value, after the rate and portion of such manours, landes, tenements, and hereditamentes, as shall then happen to remaine of the same third parte, not deuicted nor determined, and of the other two partes of such manours, landes, tenementes, and hereditamentes, as the kinge or other lorde shoulde or ought to haue had, by vertue of the sayd former act, and this present acte: and ye same to bee deuided, in maner and fourme aboue rehersed, any clause in the said former acte notwithstanding.

¶ And bee it further enacted and declared by thaucthoritie aforesaid, that the sauinge & reseruing for fines for alienatiō, by any such laste will and testament, of such manours,

landes,

landes,tenements,or hereditaments,holden of the king by knightz ſeruice in chiefe, or of the nature of knights ſeruice in chiefe,or by ſocage in chiefe, or of the nature of ſocage, tenure in chiefe,or for fines for alienation,of ſuch manours,landes tenementes, or hereditamentes,whereof there ſhall bee any alteration of freeholde, or of inheritance,made by any ſuch laſte will, compriſed in diuers and ſundry articles, mencioned in the ſaid former acte,bee and ſhall bee intended, expounded,taken, deemed and iudged, by the authoritie aforeſaid, that all ſuch perſonne or perſones, to whome the ſaied manours, landes, tenementes, or hereditamentes, or any of them, bee or ſhalbee geeuen, diſpoſed,willed, or deuiſed, by any ſuch laſt will, ſhalbee exonerated acquited and diſcharged for euer, againſt the kinge, his heires and ſucceſſours,for all ſuch fines for alienations, by any ſuch laſt will or teſtament, without licence,by ſuing forth of the kinges pardone for alienation out of the kinges court of Chauncery, payinge to the kinge his heires or ſucceſſours,for the fine of euery ſuch alienation,the third part of the yerely value of the ſame manors,lands,tenemẽts or other hereditaments,to him or thẽ willed or deuiſed,& this acte from time to time ſhal be a ſufficient warrant,to the lord chauncellour of Englãd,or keper of ỹ great ſeale for the time being,for ỹ graũting out of the ſaid pardõ or pardõs, vnder ỹ kings great ſeale

as

as heretofore hath ben vsed for pardons for alienations, without any further suit to bee made to the king for the same.

¶ And it is further declared & enacted, by ỹ authoritie aforesaid, that Willes or testaments, made of any manours, landes, tenements, or other hereditaments, by any woman couert, or person within the age of xxi. yeres, idiot, or by any person de non sane memorie, shal not be taken to be good or effectual in the law.

¶ And be it further enacted by the authoritie aforesaied, that if any person or persõs hauing estate of inheritance, of or in, manours, landes, tenements or hereditaments holden of the kinge by knightes seruice in chiefe, or otherwise of the kinge by knights seruice, or of any other person or persons by knightes seruice, hath geuẽ at any time sithen the xx. day of ỹ said moneth of July. |32. H.8. Añ dñi 1540.| or hereafter shall geue, will, deuise, or assigne, by will, or other act executed in his life, his manours, landes tenements, or hereditamentes, or any of thẽ by fraude or coune, to any other person or personnes, for terme of yeres, life or liues, with one remainder ouer in fee, or with diuers remainders ouer for terme of yeres, life or in taile, with a remainder ouer in fee simple to any person or psons, or to his or their right heires, or at any time sithen ỹ said xx. day of July, hath conueied or made, or hereafter shal conuey or make by fraude or coun-

con-

contrary to the true intent of this acte, anye estates, conditions, menalties, tenures, or conueiaunces, to the intēt to defraude or disceiue the king of his prerogatiue, primer seasō, liuerie, relefe, wardship, mariages or right: or any other lord of their wardships reliefes heriots, or other pfits which should or ought to accrue, growe or come vnto thē or any of them, by or after the death of his or their tenant, by force and according to the former estatute and of this present act & declaration: and the same estates and other cōueiances, being found by office to be so made or contriued by couin, fraude or deceipt, as is aboue said, contrary to the true intent and meaning of the saide former act, and of this act: That then the king shall haue as well the wardship of the body, and custody of the landes, tenements and hereditaments, as liuerie, primer seasō, relefe, and other pfits, which should or ought to appertaine to the king, according to the true intent and meaning of the said former acte, and of this present act, as though no such estates or cōueiances by couin, had neuer bene had or made vntill the saide office be lawfully vndone by trauers or otherwise. And that the other lorde and lordes, of whom any suche mannours, landes, tenements or hereditamentes, shalbe holden by knightes seruice, as is aforesaide, shall haue their remedy in such cases, for his or their wardships of bodies and lands, by writ of right of warde, and shall distraine &

make auowry or cognisaunce, by them selues or their bailifes, for their reliefes, heriots, and other profits, which should haue ben to them due, by or after the death of their tenaunt, as if no suche estate or conueyaunce had ben had or made. Sauing and reseruing alwaies, by the auethoritie aforesaide ẏ right and title of the donees, feoffees, lessees, and deuisees therof, against the said deuisour and his heires, after the interest and title of the kyng or other lorde therein ended and determyned.

¶ Prouided alwaies that this act, explanation, and declaration, or any of them, or any thing in this said acte, explanation or declaration conteined, shall not extende to the will or deuise of syr John Gaynsforde, late of Crowherst in ẏ cōuty of Surrey knight deceased: Nor to the will or deuise of Sir Peter Filpot knight deceased: Nor the wil or deuise of Rychard Creswel late of Mattingley in the county of South. gentleman deceased, nor to the wil or deuise of Thomas Unton late of the county of Berk. gentleman deceased, sonne of sir Thomas Unton knight also deceased: or shall be in any wise preiudicial or hurtfull, to any persone or persones, for or concerning any manours, lāds, tenementes or hereditamentes, conteyned or especified in the sayde willes or deuises, or in any of them, but that the saide last willes and deuises, and euery of them shall stande, abyde, remayne and be, in the same case, force

and

and effect in the lawe, to all intents, purpo-
ses and constructions, as the saide last wills
and deuises, and euery of them, were before
the making of this acte, declaration and ex-
planation, and of none other effect or force:
this act, declaration and explanation, or anie
of them, or anie thinge therein conteined to
the contrary thereof in any wise notwith-
standing.

¶ Prouided alway, & be it enacted by the
authoritie aforesaid, that all and euery per-
sonne and personnes from whom the kinge
or other lorde or lordes, shall take any ma-
nours, landes, tenements or hereditaments
for his or their full thirde parte, or to make
vp his or their third parte, shall and may, by
authoritie of this present act, in anie of the
cases aforesaide vpon his or their bill exhi-
bited in the kinges court of Chauncerie, a-
gainst all and euery such personne and per-
sones, which shalbe intitled by or vnder a-
nie such will, gift, disposition or deuise, to the
other two partes, haue such contribution or
recompence for the same, as by the chaun-
cellour of England, or by the keeper of the
great seale of England for the time
being, shalbe thought good
and conuenient.

See the Statute 34. H. 8. cap. 20.
of Recoueries.

¶ An act to embarre feined recoueries of landes wherein the kings maiestie is in reuersion 34.H.8.Ca.20.

¶ Recouerie.4.

WHere diuers of the kinges moste noble progenitours, and specially the king our soueraigne lorde moste liberallie aboue all other, hath geeuen and graunted, or otherwise prouided to his and their louing & good seruants and subiectes, aswell nobles as other, mannours, meases, lands, tenements, rents, seruices and hereditaments to them and to their heirz males of their bodies, or to the heires of their bodies lawfully begotten, minding at the time of such giftes not onely to preferre and aduaunce presently the donees, but also their heires in bloud of their bodies, according to the limitation of the said giftes: to thentēt þ recompence for the seruice of suche donees, should not onely be a benefite for their owen persons, but a continual profit & cōmoditye to & for their heires cōming of their bodies, whereby such heires should haue in special memory and dayly remembrance, the profit that they haue & take by the seruice of their auncesters done to the kingz of this realme and thereby be the better encouraged to do like seruice to their soueraigne lorde, as to their dueties of allegeaunce appertayneth.

And

And for as much as sundry such donees in taile, and their heires haue suffered, & daylie suffre by their consentes, vntrue and feined recouerics to be had against them, with cõmon voucher or otherwise, of maners, meases, lands, tenements or hereditamentes, so geuen, graunted or prouided, in taile by the kings maiestie, or his noble progenitours, as is aforesaide, to the intent by fraude, coūin and vndue meanes, not only to binde & defete their heires inheritable by the limitation of such giftes, but also the king of his prerogatiue, wardshyp, primer seasen, and other his rights, wherby questions and diuersities of opinion haue risen, and yet be: whether such fained and vntrue recouerics against such tenants in taile, by their owne consents, of lands, tenements or hereditaments, wherof the reuersion or remainder is in the king, at the time of such recouery or recoueries had, shuld after the death of ỹ tenant in taile, bind the heirs in taile or not. For the plain declaratiõ wherof, & to auoid and extinct from henceforth diuersities of opinions in such cases: be it ordeined & enacted by auctoritie of this present parliamẽt, that no such fained recouerie hereafter to be had, by assent of parties, against any suche tenant or tenants in taile, of any lands, tenements, or hereditaments wherof the reuersion or remainder at the time of such recouery had, shalbe in the king, shall binde or conclude the heires in taile, whether suche

condition|alias common|voucher be had in any such feined recouery or not, but that after the death of euery such tenant in taile against whō ante such recouerie shalbe had, the heires in taile may entre, haue and enioy the lands, tenements and hereditaments so recouered according to the fourme of ye gift of entaile: the saide recouerie or ante other thing or things hereafter to be had, done or suffred by or against anie such tenant in taile to the contrary notwithstanding.

¶ And be it also farther enacted by thaucthoritie aforesaide, that the heires of euerie such tenant in taile, against whom any such feyned recouerie shalbe had, shall take none aduauntage for any recompence in value against the vouchee or his heires.

¶ Prouided alway that this act nor anie thing therin cōteined, be in any wise preiudicial or hurtfull to the lessee or lessees of any such tenant in taile made or to be made by writing indented, of any maners, lands, tenementes or hereditamentes for terme of yeres, these lities, or vnder, whereupon the accustomable rent and rents or more, is or shalbe reserued, yearlie during the same terme or termes: but the same lessee and lessees, shall and may haue and enioy his or their terme and termes therein against the heire and heires of euery such tenāt in taile according to the tenour, purport and effecte of the statute made in the xxxiij. yeare of the reigne of our soueraign lord king Henry ye 8.

any

any thing in this acte conteined to the contrary therof notwithstāding. | See An. 32. H.8. cap. 28. Leases. 2.

¶ An acte that fines in townes corporate shalbe made as the same in time heretofore haue bene. 34. H. 8. Cap. 22.

¶ Inrolments. 3.

WHere in the parliament holden in the xxvij. yer of our most dread soueraign lord king Henry the eight | See the statute ment. 32. H. 8. ca. 28. but all the printes be. 27. H. 8. ideo quere. | It was enacted by authoritie of the said parliament amōgst other, that no fine, feoffemt or other acte or actes hereafter to bee made, suffered or done, by the husband onelie, of manoures, landes, tenementes or hereditamentes, being the inheritaunce, or the freehold of his wife, duringe the couerture betweene them: shall in anie wise be or make anie discontinuaunce therof, or be preiuditiall or hurtfull to the saide wife, or to her heires, or to such as shall haue right, title or interest by the same, by the death of such wife or wiues: but the same wife and her heires, and suche other, to whome suche righte shall appertaine, after her decease, shall and maye then lawefullye enter into all suche manoures, landes,

tenements and hereditaments, according to their rights & titles therin, any such fine, feoffemēt or other act to the cōtrary notwithstanding, whens the making of which acte, diuers doubts, questions, & ābiguities haue risen, that is to say, whether the recoueries and deedes enrolled, which be in nature of fines, and whereupō women couert haue be vsed to be examined, taken, had, or knowledged aswel in ye citie of Londō, as in many other cities, boroughs & townes within the realm of England should binde al such women couert, that should happen to be examined vpō the same recoueries and deedes enrolled. In auoyding therfore al such ambiguities & doubts: Be it enacted by ye kinge our soueraign lord, the lords spirituall and temporall, and the commons in this present parliament assembled, and by auctoritie of the same, that all recoueries, deedes enrolled and releasses heretofore knowledged & taken, or at any time hereafter to be taken and knowledged before the maiors, aldermē, recorders, chamberlaines, or other head officer or officers, aswel of the citie of London, as of any other citie, borough, or towne corporate within the realme of England, hauing power and auctority to take & receiue the same, according to the laudable vsages & customs of ye said cities, boroughs & towns and euery of them, shal be, stand and remain of like force, strength and effect to al intents and purposes, as they or any of them were

before

before the making of the said act in the said xxxij. yere of our said soueraign Lord: Any thing in ye same conteined to the contrary in any wise notwithstanding.

¶ An acte against vsurie. 37.
H.8.Cap.9.

Vsurye. 6.

Where before this time diuers & sundry actes, statutes and lawes haue ben ordained, had and made within this realme, for the auoiding & punishment of vsurie, being a thing vnlawful, & of other corrupt bargaines, shifts, and cheuisaunces, which actes, statutes and lawes, ben so obscure & darcke in entents, words & terms and vpon the same so many doubtes, ambiguities and questions haue risen and growē and the same actes, statutes & lawes bene of so litle force or effect, that by reason therof, litle or no punishment hath ensued to the offenders of the same, but rather hath encouraged them to vse the same. For reformation whereof, be it enacted by the kinge our soueraign Lord, by thassent of the lords spirituall and temporall, and the commons in this present parliament assembled, and by the aucthoritie of the same, that al & euery the said actes, statutes and lawes, heretofore made, of, for or concerning vsurye, shiftes, corrupt bargaines, and cheuisances,

and

and euery of them, and al peines, forfaitures and penalties concerning the same, and euery part therof, shall from henceforth be vtterly voide and of none effect, to all intents, constructions and purposes.

¶ And be it further enacted by the authoritie aforesaide, that no personne nor personnes, of what estate, degree or condition soeuer he or they be, from and after the last day of January next comming, shal by him selfe, factour, attourney, seruant or deputie, sell his marchandises or wares to any personne or personnes, and within three monethes next after, by him selfe, factour, attourney, deputie, or by any other personne or persons to his vse and behouke, buy ỹ same marchandise or wares, or any parte or parcell therof, vpon a lesser price, knowing thē to be the same wares or marchandises, that he before did so bargaine and sell, vpon the paines and forfaitures hereafter limitted in this estatute.

¶ And be it also enacted by the same authoritie, that no person nor persons, of what estate, degree, qualitie or condition soeuer he or they be, at any time after the said last day of January next comming, by way or mean of any corrupt bargaine, lone, exchange, chcuisance, shift, interest of any wares, marchādises, or other thing or things whatsoeuer, or by any other corrupt or disceitfull waye or meane, or by any couin, ingin, or disceiptfull way or conueyance, shall haue, receiue,

accept

receyt or take in lucre or gaines, for the forbearing or geuing daye of payment, of one whole yere of and for his or their money or other thing, that shall be due for the same wares, marchãdise, or other thing or things aboue the sũme of x.li. in the hundred, and so after that rate and not aboue, of and for a more and lesse sũm, or for a longer or shorter time, & no more or greater gain or sũm therupon to be had, vpon ỹ paines & forfaitures hereafter in this act mẽtioned & cõteined.

¶ And be it further enacted by authority aforesaide, that if any ꝑson or persons at any time after the said last day of Januarie, doe bargain & sel, or lay to morgage by any way or meane, any manors, lãds, tencmẽts, or hereditamẽts, to any ꝑson or persons, vpon cõdition of paiment or non payment of anie summe or summes of money, to be had, paid or made, at any day certaine, or before any suche day, by him that shall so bargaine, sell or lay to morgage, the same manors, lands, tenements or hereditaments, that the same person or persons, to whõ any such manors lands, tenements or hereditamẽts, shalbe so bargained, solde or laid to morgage, shal not by reason therof, haue, ne take in lucre, or gaines of the issues, reuenues & ꝓfits of ỹ same manors, lands, tenementes, or hereditaments, aboue the summe of ten poũd in the hundreth for one whole yere, and so after the rate aboueſaid, for a more or a lesser sũme, or for a lõger or shorꝛ time, & no more

nor

nor otherwise, vpon the paines, forfaitures & penalties hereafter in this present estatute limitted and expressed.

¶ And be it further enacted by the authoritie aforesaid, that if any person or persons, of what estate, degree, qualitie, or condition soeuer he or they be, at any time after the said last day of January next comming shal doe any act or acts, thing or things, cõtrary to the tenure, forme and effect of this estatute, or any clause, article or sentẽce cõteined in ỹ same, ỹ then al & euery offẽder & offenders therin, or in any part thereof, shall forfaut & lose for euery such offence, the treble value of the wares, marchandises and other thing or things so bargained, sold, exchãged or shifted, and the treble value of the issues and profites of the said manors, landes, tenements and hereditaments, so had takẽ or received, by reason of any such bargain, sale, or mortgage, and also shall haue and suffer imprisonment of his body, and make fine & raunsome at the kings will & pleasure: The moitie of which forfaiture of the said treble value shall be to the king, and thother moity to him or them that will sue for the same in any of the kings courts by actiõ of debt, bil, plaint or information, in which action, bill, plaint or information, no wager of law, essoigne or protection shalbe admitted or allowed.

¶ Prouided alwaye and be it enacted by the authoritie aforesaide, that this acte, nor any

thing

thing therin conteined, shall not in any wyse extend to any lawfull obligation, indorced w a condition, nor to any statute or recognisãce made & to be made, for the paunẽt of a lesser summe, so that the same obligatiõ, statute or recognisance, be made for a true, iust & perfit debt, or for the perfourmance of anye other true couenaunts made or to be made, vpon a iust and true intent, had betweene ẏ parties other then in cases of vsury interest corrupt bargains, shift or cheuisace, ne yet shall extende to any recouerie, fine, feoffement, releas confirmation or graunt, made or to bee made vpon condition with a true intent, other thẽ to suche recoueries, fines, feoffementes, releasses, confirmations, and grauntes, as shal be made vppon condition, extending to vsurie, interest, corrupt bargaines, shifts or cheuisance: any thing in this estatute conteined, or any lawe, statute or ordinance heretofore had, vsed or made to the contrary notwithstanding.

This act was repealed by a statute made Anno 5. Ed 6. cap. 20. and thereby was ꝓhibited and punished the lending, geuing, setting out deliuering or forbearing any summe &c. for any maner vsury encrease, lucre, gain, or interest to be had, receiued or hoped for &c. which statute is also repealed and this reuiued Anno. 13. Eliz. cap. 8. which followeth hereafter.

¶ An

Tenure.

¶ An acte for Tenures holden in Capite,
Anno. 1. E. 6. Cap. 4.

¶ Tenure. 11.

Where before this tyme, ambiguities, questiõs, & doubts, haue ben moued & stirred in diuers & sũdry the kings courts of Record, whether such honours, castels, manors, lands, tenemẽts, & other hereditamẽts are holden of the king in Capite which any his louĩg subiects do hold by knightes seruice, socage, or other seruices of the king, as of his Duchies, Earledoms, Baronies, honours, castels, manours, lãds, tenemẽts, fees, and seignouries, which haue come to the handes and possession of diuers of his highnes most noble progenitours, by attaindour of treason, misprision of treason, atteindours of Premunire, & prouision had & done by act of parliamẽt, by verdict, confession conuiction or vtlagary, & offices or no offices thereupon founde, or by the dissolution, surrender, or geuing vp to the king, or to any his noble progenitours, of any religious or ecclesiasticall houses or places, or of anye manours, landes, tenementes, and other hereditamentes, to any of the same religious or ecclesiasticall houses or places in anye wyse apperteining or belõging or no: By meanes

of

of which doubt so moued, his sayde humble and obedient subiectes and tenaunters, haue ben heretofore muche vniquyeted, molested, and greeued: wherefore the kynge our soueraigne lorde, myndyng, and entierly desyrynge the quyetnesse of his said subiectes, and that the certaynte of his lawes in that behalfe might be knowen, and declared, to his sayde louing subiects, for a plaine declaration and resolution, to bee had, of, for, and concernyng the premisses, at the humble petition and suite of the Lords and commõs in this present parliament assembled, doth ordeine, declare, and enacte, by the assent of the Lordes spirituall and temporall, and of the commons in this present parliament assembled, and by the auctoritie of the same, that all suche honours, castelles, manours, landes, tenementes, and other hereditamentes, and euerye of them, which nowe bee, or at anye time hereafter shall bee holden of the kyng, or of anye of his heires or successours, by anye of hys sayde subiectes, by knyghtes seruyce, socage, or otherwise, as of any of his or their Dukedomes, Earledomes, Baronies, Castels, manours, landes, tenementes, fees, or seignories, whiche bee come to the kynge or hys moste noble progenytours, or hereafter shall come to the kyng, hys heires or successeures, by meanes of anye suche attaynder, conuiction, vtlagarye,

or

or of any suche dissolution, surrender, or geuing vp of any religious or ecclesiastical houses or places, or of any manours, landes, tenements, or hereditaments to any of the said religious or ecclesiasticall houses or places, in any wise belonging or appertaining, shall not from henceforth, bee adiudged, deemed, taken, or construed to any intent, construction or purpose, to be holden in Capite, or as Tenure in Capite, any ambiguitie, question, or doubt heretofore moued to the contrarye notwithstanding. | See a like matter Magna charta. cap. 31.

¶ Prouided alwayes, and bee it enacted by the auctholitie aforesaide, that this acte or any thing therein conteined, shall not in any wise bee preiudiciall ne hurtfull to the king, his heires or successours, to, for, or concerning any wardship, liuerye, primer season, fine for alienation, or to, or for any other profit or aduauntage whiche nowe is come, or hereafter shall or may come, fall, or growe to the king, his heires or successours, by or from any persone or persones, whiche nowe doth, or hereafter shall holde anye honours, seignouries, castles, manours, landes, tenements or other hereditamentes of the kyng in chiefe, as of his personne, or of any other hys auncyent possessyons, and beyng not come to the kyng by anye suche attainder, confessyon, conuiction, vtlagarie, dissolution, geuing vp, or surrender, as bee aboue saide.

¶ Prouided

Prouided alwaies, and be it enacted by the auctoritie aforesaide, that this present acte, or any thing therein conteined, or specified, shal not in any wise, or by anie meanes geue anie aduauntage, libertie, or profite to anie tenaunt or owner in fee simple, of anie honours, manours, landes, tenementes, or other hereditamēts, which haue heretofore sued any special or general liuerie, & Ouster le maine, out of the handes of the king, or of any his noble progenitours, of anie honors, manours, lands, tenements, or other hereditamentes, by what tenour or seruice they were, or be holden, or that haue, or shal, confesse, by anie maner of recorde, anie tenour in chiefe, of the kinge, but that they, their heires and assignes, shal haue and holde the same manours, landes, tenementes, and other hereditamentes, in like manner and fourme, as they did before the makinge of this present acte, and as though this present act had neuer ben had ne made, any thing aboue declared and enacted to the contrary notwithstanding.

Discontinuance of proces.

¶ An acte for the continuaunce of actions after the death of any king, an. 1. E. 6. cap. 7.

Discontinuance of proces. 2.

FRom hencefoꝛth by the death, oꝛ demise of the kinges maiestie that noẅ is (ẅhose life almighty god long pꝛeserue, kepe and maintaine in his moste royal estate) noꝛ by the death oꝛ demise of any that hereafter shalbe king of this Realme, any action, suit, bill, oꝛ plainte, noẅ oꝛ that hereafter shall depend betẅene partie and partie, in any of the courtes aforesaid. | S. the kings courtes, and other courtes of recoꝛdes, | shall not in any ẅise be discontinued, oꝛ put ẅout day. But that the pꝛocesse, plees, demurres, and continuances in euery action, actions, suites, billes, oꝛ plaintes, ẅhich noẅ oꝛ that hereafter shall depend, shall stand good and effectual, & be pꝛosecuted & sued foꝛth in such maner and fourme, and in the same estate, condition, and oꝛder, as if the same king had liued, oꝛ contynued in full life, the death oꝛ demise hereafter of anie king of this Realme notẅithstanding.

¶ And that all and all maner of iudiciall pꝛocesse that hereafter shall be had, oꝛ pursued in the time of the raigne of anye other kinge, then raigned at the time of the pursuite of the oꝛiginall, oꝛ other foꝛmer pꝛocesse, shalbe made in the name of the kinge, that

that for the time shall raigne, and bee king of this Realme, and that variance touching the same processe betwene the names of ỹ kings shall not bee in anye wise materiall, as concerning anye defaulte to be alleged, or obiected therefore.

¶ And also bee it further established and enacted by thauctoritie aforesaide that all and euery Assise of nouel disseisin, Assise of mortdaunceſtour, Juris vtrum, and attaint which at any time hereafter shalbe arraigned, commenced or sued before anye of the kinges Justices of Assise, shall not from henceforth bee discontinued or put without day, by reason of death, newe commission, association, or not comming of the same Justices of assise, or any of them, but shall stande good and effectuall in the lawe, to all intentes, constructions and purposes, the deathe, new commission, association, or not comming of the same Justices, or any of them, in any wise notwithstanding.

¶ And ouer that, be it ordeined and enacted by the auctoritie aforesaide, that albeit any demaundant or plaintife in anye maner of action, bill, or suite, shall fortune to bee made, or created, Duke, Archbishop, Marques, Earle, viscount, baron, bishop, knighte, Justice, of the one benche or of the other, or Sergeaunt at lawe, dependinge the same action, byll, or suyte, yet that notwithstanding, that no writte, action, or suyte, shall for suche cause in anye wyse be

abatable or abated, but shall remaine in like force, goodnes, & strength, as the same was before, any lawe, or vsage to the contrary in any wise notwithstanding.

¶ And also be it ordeined and enacted by the aucthoritie aforesaide, that albeit anye persone or persones being Justice of Assise, Justice of Gaole deliuerie, or Justics of peace within any of the kings dominions, or being in anye other the kinges commissions whatsoeuer shall fortune to be made, or created Duke, Archbishop, Marques, earle, viscount, baron, bishop, knight, Justice of thone benche, or of the other, or sergeant at lawe, or shirife, yet that not withstanding he and they shall remaine Justice and commissioner, and haue full power and aucthoritie to execute the same in like maner & forme as he or they might, or ought to haue done before the same.

¶ And be it ordeined and enacted by the aucthoritie aforesaide, that in al cases, where any persone or persones heretofore haue ben or hereafter shalbe founde guilty of any maner of treason, murder, manslaughter, rape, or other felonye whatsoeuer, for the whiche iudgement of death shoulde or maye ensue, and shalbe reprieued to prison without iudgement at that time geuen against him, her, or them so founde gilty, that those persons that at any time hereafter shal by the kinges letters patentes be assigned Justices to deliuer the gaole, where any such person or persons

sons founde giltye shal remayne, shall haue full power and aucthoritie to geeue iudgement of death against such person so founde gilty & repried, as the same Justices (before whom suche personne or personnes was, or were founde giltye) might haue done, if their commission of Gaole deliuerye had remained and continued in ful force & strength. And ouer that, that no maner of processe, or suite made, sued, or had before any Justices of assise, gaole deliuerye, Oier and terminer, Justice of peace, or other of the kinges commissioners, shall, ne in any wise bee discontinued by the making and publishing of anye newe commission or assotiation, or by altering of the names of the Justices of Assise, Gaole deliuerie, Oier and terminer, Justices of peace, or other the kinges commissioners, but that the newe Justices of Assise, Gaole deliuerie, and of the peace, and other commissioners maye procede in euerye behalfe, as if the olde commissions, and Justices, and commissioners had still remained and continued not altered.

Monasteries.

¶ An acte whereby certaine Chaunteries, colleges, free chappelles, and the possessions of the same, be geuen to the kinges maiestie. Anno. 1. E. 6. cap. 14.

¶ Monasteries. 13.

THe kinges most louing subiectes, the Lordes spirituall and temporall, and the commons in this present parliament assembled, cõsidering that a great part of superstition and errours in Christian Religion, hath bene brought into the mindes and estimation of men, by reason of the ignorance of their very true and perfite saluation, through the death of Jesus Christ, and by deuising and phantasying vaine opinions of purgatorie, and masses satisfactorie, to bee done for them, which be departed. The which doctrine and vaine opinion, by nothyng more is mainteyned and vpholden then by the abuse of Trentalles, Chauntries, and other prouisions made for the continuaunce of the saide blindnesse and ignoraunce. And farther consideringe and vnderstandinge that the alteration, chaunge, and amendement of the same, and conuerting to good and godlye vses, as in erecting Grammer Scholes to the education of youth in vertue and godlinesse,

kneſſe, the further augmenting of the Vniuerſities, and better prouiſion for the poore and needie, cannot in this preſent Parliament bee prouided, and conuententlie done, nor can not, ne ought to anie other manner perſonne be committed, then to the kinges highneſſe, whoſe Maieſtie, with, and by the aduiſe of his highneſſe moſte prudent counſaile, can and will moſte wiſely, and beneficiallie both for the honour of God, and the weale of his Maieſties Realme, order, alter, conuert, and diſpoſe the ſame. And calling further to their remembraunce that in the Parliament holden at Weſtminſter the xxviij. yeare of the raigne of our late Soueraigne Lorde kinge Henrie the eight, father to our moſte deade and naturall Soueraigne Lorde the kinge that nowe is, [capit quarto.] It was ordeined, enacted, and eſtabliſhed amongſt other thinges, that all and ſinguler Colledges, free chappelles, Chauntries, Hoſpitalles, Fraternities, Brotherheds, Guildes, and other promotions, mencioned in the ſaide former acte, had, or made to haue continuance in perpetuitie for euer, and then beinge, or that had, or ought to bee contributorie or chargeable to the payment of the firſte fruites and tenthes, accordynge to the lawes and ſtatutes in that behalfe had, and made, by what name, ſurname, degree, or corporatiõ, they or any of them were founded, ordeined, eſtabliſhed, erected, named, called

or knowen, and all and singuler the mansō houses, mannours, orchardes, gardeines, landes, tenements, pastures, woods, waters, rentes, reuersions, seruices, commons, tithes pencions, porcions, churches, chappels, advowsons, nominations, patronages, annuities, rights, interestes, entries, conditions, leetes, courtes, liberties, priuiledges, fraunchises, and other hereditamēts what soeuer then appertaining, or belonging, or that did appertaine, or belonge, or were assigned, or appointed to any such colledge, free chapell, chauntrie, hospitall, fraternitie, brotherhed, guilde, stipendarie priest, or other the sayde promotions, or to anie of them, or accepted, knowen, or takē as part, parcel, or member of them, or of any of them: & to the said colledges, chauntricz, free chappels, hospitals, fraternities, brotherhed, guilde, stipendarie priestes, or other promotions, or to anie of them vnited or annexed, which betwene the fourth day of Februarie, in the xxvij. yere of the said late kinges raigne, & the xxb. day of Decēber in the xxxvij. yere of his graces raigne, by reason of any entrie, expulsiō, bargaine, sale, or feoffement, fine, recouerie, lease or other conueiance thereof made, were dissolued, determined, or relinquished by any of the waies, meanes, or conueiances, mencioned in the said acte, or otherwise other then such of them, as then were in the possession of the said late king, or that were graunted or assured by his licence, agreement, consent

or

or letters patents, to any person or persõs or then had bene lawfully obtained, or recouered by anie persõ, by any former right, or title, without fraude or couine, or by the kinges licence, shal from henceforth by auctoritie of the same former act, be adiudged and deemed, and also bee in the verie actuall and real possession and seyson of the sayde late kinge and of his heires and successours for euer, in as large and ample maner, as ỹ saide priestes, wardens, masters, ministers, gouernours, rulers, or other incumbents, or any of them, or the patrõs, donours, or foũders of any of them at any time sithens the said fourth day of Februarie in ỹ xxviij. yere aforesaide, had, occupied, or enioyed, or then had, occupied, or enioyed the same, and as though all and singuler the saide colledges, chauntries, hospitals, free chappels, fraternities, brotherheds, guildes, and other the saide promotions, and the saide manoures, landes, tenementes, hereditamentes, and other the premisses, whatsoeuer they be, and euerie of them, had bene in the said former acte, specially, particularly, and certainly rehearsed, named, and expressed, by expresse wordes, names, surnames, corporations, titles, and faculties, and in their naturall kinds and qualities: the said entries, expulsions, bargaines, sales, fines, feoffements, recoueries, or other assurance, and conueiance whatsoeuer they were, had or made (except before in the former acte excepted) to the con=

contrarie notwithstanding.

¶ And where also it was enacted & graũted by the saide late king, by the sayde former acte, that the same late kinge during his natural life, might make and direct his commission and commissiõs vnder his great seale, to entre into al and singuler suche and as manie Chauntries, free chappelles, hospitalles, colledges, and other the promotions, mentioned in the saide former acte, and into all and singuler such maners, mansions, houses, meases, landes, tenements, pastures, woodes, waters, rentes, reuersions, seruices, possessions, and other hereditamentes, whatsoeuer, or into anie parte or parcell thereof in the name, season and possession of all the hereditamentes, annexed, vnited, belonging, or appertaininge to anie Chauntrie, hospitall, free chappell, colledge, fraternitie, brotherhed, guylde, or other the saide promotions, or whereof anie prieستes, prouostes, gouernours, rulers, or other incumbentes, of them, or anie of them, by what name, surname, degree, title, or corporation they, and euery of them, or anie of them were founded, erected, ordeyned, established, named, called, or knowen, then had or enioyed, or that hereafter shoulde haue, or enioye to the sayde chauntries, hospitalles, free chappelles, colledges, fraternities, brotherheddes, guyldes, or other the saide promotions, that then were chargeable to the payment of the

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firste fruites and tenthes: and all colledges that were chargeable, or not chargeable to the sayde payment of the firste fruites, and tenthes as is aforesaide, or to anie of them, as shoulde bee named, expressed and appointed in the saide commission, or commissions, and to sease and take the same chauntries, hospitalles, colledges, free chappelles, fraternities, brotherheddes, guildes, and other the said promotions, manours, landes, tenementes, and other the premisses, mencioned in the said commission or commissions, and in euerie of them, and euerie parte, parcell and member of the same into the kinges possession and handes, to haue and to holde the same to the saide late kinge, and to his heires and successours for euer, as by the sayde former acte amongst other thinges more at large appeareth. It is nowe ordeined and enacted by the kinge our Soueraigne lorde with the assent of the lordes and commons in this present Parliament assembled, and by the aucthoritie of the same, that all maner of Colledges, free Chappelles, and chauntries, hauinge, being, or in Esse within fiue yeres nexte before the firste daye of this present Parliament, which were not in actuall and reall possession of the saide late king, nor in the actuall and reall possession of the king our soueraigne lord that now is, nor excepted in ye said former act in fourme abouesaide, other then suche as

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by the kinges commissions in fourme hereafter mentioned shalbe altered, transposed, or chaunged, and all manours, landes, tenementes, rentes, tithes, pensions, porcions, and other hereditamentes, and thinges aboue mentioned, belonging to them or anye of them, and also all manours, landes, tenementes, rentes, and other hereditamentes, and thinges aboue mentioned by any maner of assurance, conueiance, will, deuise, or other wise, had made suffered, knowledged, or declared, geuen, assigned, limited, or apponted to the finding of any preist, to haue continuance for euer, and wherewith, or whereby anye preiste was susteined, mainteined, or found within fiue yeres next before ye first daye of this present parliamēt which were not in ye actual & real possession of ye said late king, nor in ye actual & real possession of our soueraigne Lord the king that nowe is, and also all annual rentes, profites, and emoluments at any time within fiue yeares next before the beginning of this present Parliament employed, paide or bestowed, toward, or for the maintenaunce, supportation, or findinge of any stipendarie preiste, intending by anye acte or writing to haue continuance for euer, shall by the aucthoritie of this present Parliament, immediatly after the feast of Easter next comming, be adiudged and deemed, and also be in the very actuall and real possession and seasin of the king our soueraigne Lorde and his heires, & successours for euer without

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any office or other inquisition thereof to bee had or found, and in as large and ample maner and fourme as the priestes, wardens, maisters, ministers, gouernoures, rulers, or other incumbentes of them, or any of them, at any time within fiue yeres next before the beginning of this present parliament, had, occupied, or enioyed, or now hath, occupieth, or enioyeth the same, and as though all and singular the said Colledges, free Chappels, chaunteries, stipendes, salaries of priestes, & the said manours, landes, tenements, hereditaments, and other the premisses whatsoeuer they be, and euery of them, were in this present acte specially, particularly, and certainly rehearsed, named and expressed by expresse wordes, names, surnames, corporations, titles and faculties, & in their natures, kindes and qualities.

¶ And ouer that be it ordeined & enacted, by the auctoritie of this present parliamēt that where any manours, landes, tenementes, tithes, pensions, portions, rents, profits, or other hereditamentes, by any maner of assurance, conueyance, will, deuise, or otherwise at any time heretofore had, made, suffered, knowledged or declared, were geuen, assigned, or apointed, to, or for the maintenāce, sustentation, or finding of one priest, or of diuers priestes for terme of certaine yeres yet continuing, and that any priest hath ben mainteined, susteined or found with the same or with the reuenues or profits therof with

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in fiue yeres last past that the kinge, from the saide feaste of Easter nexte commynge, shall haue and enioy in euery behalfe, for, and duringe all suche time to come, euerye suche and like thynges, tenements, hereditamentes, profites, and emolumentes, as the prieste or priestes ought, or should haue had for or toward, his, or their maintenaunce, sustenaunce, or finding, and for no lenger, or further time, nor for anye other profite, aduauntage or commoditie, therof to be taken.

¶ Prouided alway and it is ordained and enacted by the auctoritie of this present Parliament, that when and assoon as the time assigned, for the maintenaunce, sustentation, or finding of the prieste or priestes shall be expired and runne, that then it shall be lawfull to euery person and persones, to whom any manours, lands, tenementes, tithes, portions, pen sions, rentes, and other hereditamentes, or any of them should haue belonged, or appertcined, if the said former acte, and this acte had neuer bene had, or made, to enter into, take, perceiue, haue, and enioy ye same without any maner of Iniery, Duster le maine, petitiō, or other suit to be made to the king, in like maner, forme and condition, to all intentes, constructions and purposes, as though the saide former acte, and this acte had neuer bene had, or made, and as thoughe the kinge had neuer had any season, or possession therof, any thinge

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in the saide former acte, or in this acte, to the contrarye in anie wise notwithstanding.

¶ And be it ordeined and enacted by the authoritie of this present Parliament that the kinge our soueraigne Lord, his heires, and successours, from the saide feaste of Easter next comming, shall haue, holde, peeiue, and enioy for euer, all landes, tenementes, rentes and other hereditamentes, which by any maner of assurance, conueiaunce, wills, will, deuise or otherwise at any time heretofore had, made, suffered, knowledged, or declared, were geuen, assigned, or appointed, to go or be employed wholly to the finding or maintenaunce of anie annuersarie, or obite or other like thing, entente or purpose, or of anie light or lampe, in anie church or chappell, to haue continuaunce for euer, which hath ben kept or maintained within fiue yeres next before the said first day of this present parliament.

¶ And also that where but parte of the issues or reuenues of anie manours, lands, tenements, rents or other hereditamentes, hath by anie of the wayes & meanes aboue-saide, ben geuen, assigned, or appointed to bee bestowed or employed to the findinge or maintenaunce of anie anniuersarie or obite, or other like thinge, intente, or purpose, or of anie lighte or lampe in anye church or chappell, and to haue continuaūce for euer, that then our Soueraigne Lorde the

the king shal from the said feast of Easter next comming for euer haue, perceiue, and enioy such summes of money, that in any one yere within fiue yere next before the first day of this present parliamēt hath ben expended and bestowed about the finding or maintenance of any such anniuersary, or obite, or other like thing, intēt, or purpose of any light or lampe, to him, his heires, & successors for euer, as a rent charge to be paied yerely at the feastes of saint Michaell the Archangell, and the Annunciation of our Lady Sainte Marie the virgine, by euen portions in the kinges courte of Augmentations, and reuenues of his crown, or in any other courte or courtes, as the kinge hereafter shal appointe. And that it shal be lawfull to our saide soueraigne Lorde the king, his heires and successors, for non payment of any such summe or summes of money, to distreine in the said manours, lands, and tenements of the issues and reuenues, whereof the saide annyuersary, or obite, or other like thing, or any such lighte or lamp was founde, sustayned or maintained. And that for lack of sufficient distresse, in or vpon any of the premisses, whereof any of the saide yerely rentes, or summes of money should be paide by the space of one monethe next after that any of the saide rents should be vaid, and be not paid within the said moneth, that then it shalbe lawfull to and for our soueraigne Lord the king, his heires,

and

and successours, by vertue of this present act to enter into, and to haue, and possesse, as much of the landes, tenementes, and hereditamentes whereof the saied rent, or rents shoulde bee leuied, or payed, as the rent or rentes that shoulde bee leuyed, or payed out of the same, doth or shall amount or come to in yerely value, and the same landes, tenementes and hereditamentes to holde and kepe, and to haue [to] our said soueraigne lorde the kinge, hys heires and assignes for euer, or for such estate as our soueraygne lorde the kinge, his heires, or successoures, had, or ought to haue had, of, or in the sayed rent or rents.

And it is also ordeined and enacted by the authoritie of this present parliament, that our soueraigne lorde ỹ king, shal from ỹ said feast of Easter next cõminge, haue, perceiue and enioy all and singuler such summes of money, profites, commodyties, and emolumentes, which by vertue of any manner of assurannce, conueiannce, composityon, will, demise, or otherwise, heretofore, haue bene geuen, assigned, limitted or appointed to haue continuance for euer, which in any one yere, within fiue yeres next before the beginning of thys present Parliament, haue bene payed, bestowed, or employed, by any manner of corporations, guildes, fraternyties, cõpanies, or felowships of misteries, or crafts, or any of them, being in England Wales, and other the kinges dominions, or

by the maisters, wardeines, gouernours, or other officers, or ministers, or by the maister, wardein, gouernour, or other officer or minister of them, or any of them, toward, or about the findinge, mainteynance, or sustentation of any preest or preestes of any annyuersary or obit, lampe, light or lightes, or other like thing, as is aforesaied, to our saied soueraigne lorde the kinge, his heires, and successours for euer: to bee payed yerely, as a rent charge, at the feastes of Saint Michaell the Archangell, and the Annuntiation of our Ladye, by euen portions, in the kinges court of Augmentations, and reuenues of his crowne, or in any other court, or courtes, as the kinge hereafter shall appoynt. And that it shalbee lawfull to our saied soueraigne lorde the kinge, his heires and successoures, for non payement of any such summes, or summe of money, profite commoditye, or emolument, or for non paiement of any of them to distreyne in all the manours, landes, & tenementes, of euery such craftes, corporations, guildes, fraternities, companyes or fellowships of mysteryes or craftes, or any of them, by whome, or by the maisters, wardens, gouernours or other officers, or ministers, or maister, warden, gouernour or minister, of the which any such summes or summe of money, profit commoditie or emolument, haue or hath bene payed, bestowed or employed: And that all and euery of the saied summes of money,

money, profites, commodities, and emolumentes, shall from the feast of Easter next comming, without any manner of inquisition or office to be had or found, be iudged and deemed to be in the actual and real possessiō of our said soueraigne Lorde the king, in like manner and fourme to al intents, constructiōs & purposes, as if the same had ben particularly and specially mencioned in this present act.

¶ And furthermore be it ordeined and enacted by auctoritie aforesayed, that ỹ kinge our soueraigne Lorde, shall from the sayed feast of Easter next comminge, haue, and enioy to him, hys heires and successours for euer, al fraternities, brotherheds & guildes, being within the realme of Englande and Wales, and other the kinges dompnions: and all manours, landes, tenements and other hereditamentes, belonging to them, or any of them, other then such corporatiōs, guyldes, fraternities, companies and fellowships of misteries or crafes, and the manours, landes, tenements and other hereditaments pertayninge to the saied corporations, guildes, fraternities, companies, and fellowships of mysteries or craftes aboue mencioned) and shal by vertue of this act bee iudged and deemed, in actuall and reall possession of our sayed Soueraigne Lord the kinge his heires and successours, from the said feast of Easter next comming for euer, without any inquisitions or office

thereof to be had or found &c. diuers things touching commissions, for the suruey & disposition of the premisses.

¶ And also be it ordeined and enacted by thauctority of this present parliamēt, that our souereigne lorde the king shal haue and enioy al such goodes, cattels, iewels, plate, ornaments, and other moueables, as were or bee the common goods of euery such colledge chauntrye, free chappell, or stipendary priest, belonging or annexed to the furniture or seruices of their seuerall foundations, or abused of any of the said corporations, in ye abuses aforesaid, the property wherof was not altered nor chaūged before the eight day of December in the yeare of our lorde God M. D. xlvij.

And it is also ordeigned & enacted by thauctoritie of this present parliament, ye al such debts & sūmes of money, as ought or shoulde without fraud or couin hereafter bee payed of the money or goods of any of the said colledges, due or payable by reasō of any contract, specialtie or promise, had or made before the same eight daye, shall truely and fully bee payed by the treasorer of the kinges court of thaugmentations and reuenues of his crowne, or by the treasorer or receiuer of any other court, to whych any of the premisses shalbe appointed of the kings treasure, being in his or their hands, with as conuenient spede as the same may be payed.

¶ Prouided

Prouided alwaies, and be it ordeyned and enacted by the auctoryty aforesaid, that this act or any article, clause, or matter cōteyned in the same shal not in any wise extende to any colledge, hostell, or hall, beinge within eyther of the vniuersities of Cambridge and Oxforde, nor to any chauntrye founded in any of the colledges, hostelles, or halles, being in the same vniuersities, nor to the free Chappell of Saint George the Martir, situat in the castle of Windsore, nor to the colledge, called saint Marye colledge of Wynchester, besides Winchester, of the foundation of Bysshop Wykham, nor to the colledge of Eaton, nor to the parish churche, commonly called the chappel in the sea in Newton, within the Isle of Elye, in the County of Cambridge, nor to any mannours, landes, tenementes or hereditamentes to them, or to any of them, pertaining or belonginge, nor to any chappell, made or ordeined for the ease of the people, dwelling distaunt from the parishe churche or such like chappell, whereunto no more landes, or tenements, then the churchyarde, or a little house or close, doth belong or perteyne, nor to any cathedrall churche or colledge, where a Bishops sea is wythin this realme of Englande, or in Wales, nor to the manours, lands, tenementes, or other hereditaments of any of them (other then to such chauntryes, obites, lights and lamps, or any of them, as at any time wythin fyue

yeres next before the beginning of this pre-
sent parliamēt, haue bene had, vsed, or main-
teyned, within the said cathedrall churches,
or within any of them, or the issues, reue-
nues or profits, of any of the said cathedrall
churches, to which chauntriez, obytes, lyghts
& lamps, it is enacted by the aucthoritie a-
foresaid, that this act shal extend.

¶ And it is ordeyned and enacted by the
auctthoritie aforesaied, that oure soueraigne
lord the king at any time during hys lyfe
(which God long preserue) may at his wil
and pleasure, alter and chaunge the name or
names, of all and singuler chauntries, and
the foundations of the same, being in any of
the colledges, hostelles, or halles of any of
the saied vniuersities, according as to hys
Godly wisedome shalbe thought mete and
conuenient.

Sauinge to al and euery persone & per-
sons, bodies politike and corporate, their
heires and successours, and the heires and
successours of euery of them (other then the
maisters, wardens, ministers, gouernours,
rulers, prists, incumbentes, fellowes, and
brethren of the saied Colledges, chaun-
trics, free chappels, and other the premisses
geuen, limytted or appoynted to the kinge
by this act: and the successours of them,
and euery of them, and other then such as
be, or pretende to bee foundours, patrones,
or donours of the premisses, or any of them,
or of any part or parcell thereof, & the heirs

successours,

successours and assignes of euery, or anie of them: and other then such as bee, or were feoffees, recouerees, consees, graunees or deuisees of anie of the premisses, to, or for anie of the vses, purposes, or entents aboue mentioned, or to the vse of anie of the saide colledges, free chappels, chaūtries, or other the premisses, geuen, limitted or appointed by this act to the king, or to the entent to employ the rentes or profites thereof to the vse of masters, rulers, incumbentes or ministers of them, or any of them: and other then such person and persones, and bodies politike and corporate, their heires, successours and assignes, as claime or pretend to haue estate, right, title, interest, vse, possession or condition, of, in, or to the premisses or any part or parcel thereof, by reason of any feoffement, fine, bargaine and sale, or by any other wayes, meanes, or conueighance to them made, of any estate of enheritaunce without the saide late kings licence, assent, consent or agreement, and without the lycence, assent or agreement of the kynges maiestie that nowe is, by anie of the saide deanes, maisters, wardens, ministers, gouernours, rulers, priests or incumbents, or by ȳ foundors, donours or patrones of thē, or of anie of them, all such vyghte, tytle, clayme, possession, interest, rentes, annuities, commodities, commons, offices, fees, leases, liueries, liuings, pentions, portions, debtes, dueties, and other profites,

which they or any of them lawfully haue, or of right ought to haue, or might haue had, in of, or to anie of the premisses, or in, of, or to anie part or parcel thereof, in such like manner, fourme and condition, to all intentes, respectes, constructions, and purposes, as if this act had neuer beene had nor made, and as though the sayed chauntries, colledges, and other the said promotions, had still continued and remayned in their full being: and sauing to all and euerie patrone, donour, foundour, or gouernour of anie such colledge, chauntrie, free chapell, stipendarie priestes, and other the premisses, geuen, ymitted, or appointed to the king by this act and the donour, feoffour, and geuer of the aforesayde landes, tenementes, or heredytamentes, to them or anie of them, or to anie vses, or purposes before mentioned, all such rentes, seruices, rentes secke, rents charge, fees, annuities, profites, and offices: and also lease for terme of life, liues, and yeares, whereupon the accustomed rent, or more, is reserued, as they or anie of them lawfully had, perceiued, and enioyed, in, out, or of anie the sayd promotions, or out of any of ỹ said lands, tenements, or hereditamentes before the first day of this present parliament.

And ouer that, it is ordeined &c. that those then liuing which had receiued any money for any of the premisses, should repay it, & of one clause ỹ the premisses shalbe in the suruey and order of the court of Augmentatiõ.

And

¶ And it is further enacted by aucthority aforesaid, that if any of ye said masters, wardens, ministers, rulers, gouernours, priestz incumbents, or owners of any such colledge chauntrie, free chappel, or of any the premisses, geuen, limitted, or appointed to the king by this act, or of anie of them, sithens the xxiij. day of Nouember, in the seuen & thirtie yere of the reigne of the saied late kyng, haue made any lease vnder his or their cōmon seale or otherwise, for terme of yeares, life, or liues, of their saied colledges, chauntries, freechappels, or of other the same premisses, or of any part thereof, or of any maners, landes, tenements, possessions, or hereditamentz, whatsoeuer they be, to them, or to any of them, vnited, or annexed, belōgyng or apperteining, vppon the which leases, the vsuall and olde rentes and fermes accustomed to be yelden and reserued, or more, by the space of twenty yeres next before the said xxiij. day of Nouembre, not reserued & yelden, shalbe vtterlie voide and of none effect: and that all other leases and grauntes heretofore made of any the premisses, geuen limitted, or appointed to the king by this acte, shalbe as good, auailable, and effectuall in the lawe to all intentes, constructions, & purposes, as if this act had neuer ben had, or made, any thing in this act, or anie other act heretofore had or made, to ye cōtrary thereof in any wise notwithstanding.

¶ Prouided alwaies, & bee it further ordeyned

deyned and enacted by the aucthority afore-
said, that this act or any thing therein con-
teyned, shall not extend to anie manours,
landes, tenements, possessions or heredyta-
mentes, which the saide masters, wardens,
ministers, chauntrie priestes, incumbentes,
or other the saide gouernours, officers, mi-
nisters or rulers of ẏ premisses, or of any of
thē, hath, or is, or hereafter shal haue or bee
possessed, or seased of in fee simple, fee taile
generall, or speciall for terme of life, terme
of yeres or other wise, to his or their owne
propre vses, by enheritance or purchase: and
not being at anie time vnited or annexed, to
his or their saide colledges, free chappels,
chauntries, or other the premisses, geuen, li-
mitted or appointed to the king by this act:
nor shall extend to anie maners, landes,
tenementes, possessions, rentes, annui-
ties and yearely pention or pentions, or to
any yerely summe or summez of money, be-
ing not vnited, or parcell of any of the said
colledges, and other the premisses afore-
saide, or of anie of them heretofore geuen or
graunted by the saide late king, or geeuen
or graunted, or hereafter to bee geeuen or
graunted by the kyng our soueraigne lorde,
to anie of the saide deanes, masters, war-
dens, ministers, chauntrie priestes, in-
cumbentes, gouernours or rulers of the
premisses, or of anie of them, for terme of
lyfe onely, vnder his great Seale of Eng-
lande, or vnder the seale of the court of the
Augmenta-

Augmentations & reuenues of the kinges crowne, or any other of ȳ kings scales of any of his courts: anie thing cõteined in this act, to the cõtrary in any wise not wtstãding.

¶ Prouided alway, and be it enacted by auctoritie aforesaid, that aswel all and euerie patrone, donour, foundour, and geeuer of any of the said promotions or premisses, or geeuer, donour, or feoffer of any their lands, tenemẽts, possessions, or other hereditamẽts, as all and euerie person and personnes, bodies politike and corporate, which before the making of this act, lawfully without fraude or couin, had or enioyed anie maner of rent, or other yerely profites to be taken perceiued or had, of anie chauntries, colledges, free chappelles, or other the premisses, geeuen, limitted or appointed to the kyng by this act, or out of anie mannours, landes, tenementes or other possessions of them, or anie of them, shal haue and enioy the same, in like maner and fourme, as they should and ought to haue done, if the sayde colledges, chauntries, free chappels, & other the premisses geuen, limitted or appointed to the kinge by this act, had still remained and continued in esse, and full being: anie thing in this act mentioned to the contrarie in any wise notwithstanding.

¶ Prouided also, and be it enacted &c. a discharge of those first fruites which after ȳ first day of this parliament shoulde growe due for the premisses.

¶ Prouided

¶ Prouided alwais, & be it enacted by ye auctthority aforesaid, ye al such rentz, seruices issues, profits, & other sūmes of money paiable out of, or for any of the premisses, or any of thē, in the kinges court of his Exchequer, shal continue, & be continually & yerely leuied, charged, or paied in the same court in such maner & fourme as heretofore hath ben vsed: any lawe, custome, vnitie of possession in the kings highnesse, or other thing to the contrary notwithstanding: And as though the saide promotions, mannours, landes, tenements, and other the premisses had not come to the kinges handes or possession.

¶ And be it further enacted by ye auctthoritie aforesaid, that al & euery letters patēts made by the said late king Henry the eight, or by the kīgs maiesty ye now is, or hereafter to be made by his highnez, to any person or persons, or to anie archbishop or bishop, of any of the said colledges, chauntries, free chappels, or other the premisses, or any part or parcel of them, or of any lands, tenemētes or hereditamentz, belōging or appertaining, or that did belong, or appertaine to them, or to anie of them: And all fynes, giftes, grauntes, feoffementes, recoueries, and all other assurances and conueyaunces thereof had or made, by the assent, consent, or lycence vnder the great seale of Englande, of the said late king Henry the eight, or of the kings maiestie that nowe is, to any person or per=

or persones, bodies politike or corporate, by any chauntry priest, master, wardeine, ministre, ruler, gouernour, or other hauing any of the sayed promotions, of any of the sayed colledges, chauntries, free chapels, or other the premisses, or of any of them, or of any part, parcell, or member of the same, shall stande and be in their forces, and effects, and shalbee good and effectuall in the lawe, for such estates and interestes geeuen, graunted, limitted, or appointed, in any of ỹ gifts, graunts, assurances, or conueighances therof had or made, according to their purports, fourme and manner, and accordinge to the true entent and meaninge of the same assurances, and shalbe by auctoritie of thys act good, parfite, and auailable, aswell agaynst the kinge, his heires and successours, as against the said chauntry priestes, wardeins masters, rulers, gouernours, and other hauinge any of the saied promotions, and their successours, and the successours of euery of them: also agaynst the foundours, donours, and patrons of the same, and the ordinarye of them, & euery of them, & the heires & successours of euery of them: any lawe, statute, ordinance, or other thing to ỹ contrary therof notwithstanding.

And where diuers and sundry bysshops, deanes, archdeacons, treasourours, prebendaries, chauntrie priests, masters provosts rulers gouernours of any deanries, archedeanries treasourorshyps, prebendes, free-

chappels,

chappelles, chauntryes or colledges, within this Realme of Englande, and other the kinges maiesties dominions, or any of the patrones, foundours, donours of any of the Bishoprickes, treasorourshyps, deanryes, chauntries, free chappelles, or other the sayed spirituall promotions, of their voluntarye willes or myndes, for diuers good and reasonable causes and considerations, by deede or deedes enrolled, or by other writinges or conueyaunces heretofore geeuen and graunted to the late kinge of famous memory Henrye the eight, late kinge of Englande, and to his heires, or to our soueraigne lorde the kinge that nowe is, and to his heires, dyuers of their deanries, archdeanries, Treasourourshippes, Prebendes, chappelles, chauntries & colledges or any other ecclesiasticall or spirituall promotyons last before remembred, and all, or some part of the mannours, landes, tenementes, tythes, pencyons, annuyties, rentes, reuersions, and other reuenues, heredytamentes, possessions, emolumentes and profites, to the same Bishoprickes, Deanries, colledges and other lyke promotions, benefices, offyces and dignities, or to any of them belonginge, appertenynge, vnited, or annexed, or which the sayed Bishops, deanes, archedeacons, treasourours, chauntry priestes, maisters, prouostes, rulers, gouernours, and other ecclesiastical or spirituall officers or ministers, or any of the sayd

patrons

patrones, donours or foundours, or any of them had, or enioyed in the right, or by reason of any of the same promotions, offices, or dignities.

¶ Be it enacted by the aucthoritie aforesaid, that al and euery giftes and grauntes heretofore made to the sayd late kinge, and to his heires, or to our soueraigne lorde the king that now is, and to his heires, by any Archebishop, Bishop, Deane, Archedeacon, treasourour, prebendarye, maister, prouost, gouernour or other the saied ecclesiasticall or spiritual person or persons, or by any patrons, donour, or foundour of any of the said deanries, chauntries, or other of the said spiritual or ecclesiastical promotions, or of all, or any of the mannours, lands, tenementes, tithes, rentes, reuersions, pentyons, portions, annuities, or other hereditamentes, reuenues, emoluments, profites or commodities to any of the saied benefices, offices, prebendes, promotions or dignities belonging, apperteining, vnited or annexed or which any of the same archbishops, bishops, deanes, archedeacons, treasourours, maisters, prouosts, prebendaries, rulers, gouernours, officers, or ministers, patrons, foundours or donours had or enioyed, or haue, or enioy, or ought to haue or enioy, in the right or by reason or meanes of any of the same promotions, offices, or dignities, shalbe good & effectual in the law, to al intents & purposes:

Sauing

Sauinge to al & euery person and persons, and bodies politike & corporate their heirs, succeſſours, & assignes, & to the heires, succeſſours, & assignes of euery of them (other then the archbishops, bishops, deanes, archdeacons, treasourers, prebendaries, rulers, gouernours, wardeins, prouosts, geuours, & grauntours of any of the premisses, & their heirs, successours, and assignes, & other then such ecclesiasticall or spirituall persones, bodies politike or corporate, as are, or pretende to be foundours, donours, patrons, or ordynaryes of the premisses, or any of them) all such rightes, titles, interestes, claymes, entres, rentes, reuersions, remaynders, fees, offices, annuities, landes, tenementes, hereditamentes, profites, commodities, and emolumentes, as they or any of them haue, or shoulde, or ought to haue had, of, in, or to the premisses next aboue mencioned, or any part thereof, as yf this Act had neuer beene hadde or made, any thinge in thys act to the contrary in any wyse notwithstandinge.

¶ Prouided alwaies, that this act, or any thing therin contened, shall not in any wise extende to make good or effectuall, any gyft, graunt, bargaine, sale or alienation made by any pson, or vicar of their personages, or vicarages, or of any part or parcell therof, or of any thing to them, or any of them belonging or appertenning.

¶ Prouided also, y this act, or any thinge

therin contained, shall not in any wise extend to hider, or preiudice George Brooke knight lord Cobham, his heires or assignes, for, or concerning the late colledge of Cobham, in ỹ county of Kent, or the manours, lands, tenements or possessions therof, any thing above mentioned to the contrary in any wise notwithstanding.

¶ Prouided also, and be it enacted, by the auctoritie aforesaide, that this present acte or any thing therein contained shall in anye wise extende, or be preiudiciall or hurtfull to the generall corporation of any Citye, Borroughe, or Towne, within this Realme, or any other the kinges dominions, ne shall extende to any the landes, or hereditamentes, of them, or anye of them, any thing herein contained to the contrary in anye wyse notwithstanding.

¶ Prouided also, and be it enacted by the auctoritie aforesaide, that all suche of the saide colledges, free chappelles, chauntryes, and other the premisses, being appointed and geuen to the kings highnes, by ỹ auctority of this act, as be within the Duchy of Lancaster, and all manours, landes, tenementes, and hereditamentes, pertaining or belonging to the same colledges, free chappelles, and chauntries, shall after the saide feaste of Easter next comming, be within the survey and order of the court of the Duchy of Lancaster, in suche maner and fourme, as other the premisses bee assigned or appointed by

auctholitie of this acte, to bee in the surueye and order of the courte of Augmentations and reuenues of the kinges crowne, or other courts by the kinge to bee assigned: and that all cõmissioners, that hereafter shalbe awarded by vertue and force of this acte, concerning suche colledges, free chappelles, chauntries, and other the premisses, as be within the sayde Duchie of Lancaster, shall bee awarded vnder the great seale of Englande, and shall bee certified into the same court of the Duchye of Lancaster, anye thing aboue sayde to the contrary in anye wyse notwithstanding.

¶ Prouided alwayes, and be it enacted by the auctholitie aforesaide, that this acte, ne any thing therein contained, shall extende to the Colledge, or chauntrey of Attilborough in the County of Norfolke, which the saide late king Henry the eight gaue to Robert, Earle of Sussex, and to his heires, but that Henry now Earle of Sussex, sonne & heire to the saide late Earle, his heires and assignes, shall and may by thauctholitie of this acte, haue and enioy the saide colledge, and chauntrie, and al manours, landes, tenemẽts, aduowsons, tithes, pentions, portions, and other hereditamentes, thereunto belonging or appertaining, any thing in this acte, to the contrary in anye wyse notwythstanding.

¶ Prouided alwaies, and by the auctholitie aforesayde, be it enacted, that the kinges

Maiesty

Maiestie, at any time when it shall seeme to him good, may geue aucthority to certain his graces commissioners, to alter the nature and condition of all maner of Obites, aswel within the vniuersities of Cãbridge and Oxford, as in anie other place within this his graces Realme of England, and Wales, being not suppressed nc adnichilate by vertue of this present acte, and the same Obites so altered, to dispose to a better vse, as to the releife of some poore mẽ being students, or otherwise.

¶ Prouided also, and be it enacted by aucthoritie aforesaide, that it shall not be lefull to anie person or persons, bodies politike or corporate, by reason of anie remainder, vse, or condition, to enter into, claime, or challẽge anye landes, tenements, or hereditaments, for the non doinge, not naminge, or non findinge of anye suche priest, or priestes, or poore folkes, as is aforesaide, Obite, anniuersarie, light or lampe, from henceforth to be founden or doen, any thing herein contained to the cõtrary in anie wise notwithstanding.

¶ Prouided alwaies that this acte, nor any thing therein contained, shall in anye wise extende to anye landes, tenementes, possessions or hereditamentes, whatsoeuer, that anie Master, Deane, Prebendarie, wardein or chauntrie, or anie stipendarie priest of anie colledge, chauntrie, prebende, fraternitie, guilde, or any other corporations

haue, or held of anie person or personnes, by coppie of court roll, or at will, according to the custome of any manour or manors, nor geue or graunt anie copiehold landes to the kinges highnes.

¶ And also prouided that the kings highnes, his heires or successours, shal not in anie wise haue, hold, enioy or take by vertue of this acte, or anie article therin conteined, any maner of copiholde landes, tenements, possessions, or hereditamentes whatsoeuer they be, but that all and euery of the saide persones and incumbentes shall haue, hold, and enioy the same during their liues, towards their pension and yerely liuing, payinge the rentes, and doinge their customes and seruices therof due and accustomed, anie thing in this acte to the contrarye notwithstanding.

¶ Prouided that this acte shal not extend to anie landes, tenementes, or hereditamentes, assigned, appointed, or intended for the findinge or maintenaunce of any chauntrie priest, or stipendary priest, which by anye former right, and good title without fraud or couine, were lawfully recouered from the possession of any suche chauntrie priest, or stipendarie priest, before the first day of October, the saide xxxvij. yere of the raigne of the saide late king Henry the eight, which landes, tenementes, and hereditamentes, were not charged, nor chargeable to the paiment of the perpetuall tenthe: any thing in

this

this acte to the contrary hereof notwithstanding.

¶ Prouided alwaies, and be it enacted by the auctholitie aforesaid, that all and singuler grauntes, licences, confirmations, and letters patentes, which our late soueraign Lord king Henry the eight, or our soueraigne Lord ỹ king that now is, haue made vnder the great seale of Englande to anie person or personnes, bodies politike, or corporate, of any colledge, chappel, or chauntrie, now being in esse, or standing, or now not being in esse, or not standing, or of any lordshippes, manours, landes, tenementes, and hereditaments, annexed, vnited, belonging, or appertaining to anie colledge, chappell, or chauntrie now being in esse, or standing, or now not being in esse, or not standing, or of any other thing or things, mẽtioned, expressed, or conteined in any such graunt, licence, confirmation, or letters patentes, shal from henceforth be deemed, taken, expounded, and adiudged good and effectuall in the law, according to the wordes, sentences, meaninges, ententes, fourme, and effectes of the same grauntes, licences, confirmatiõs, and letters patentes, to all intents, constructions, and purposes, as if this acte, and the said acte made in the said xxvij. yere of the saide late king Henry the eight, had neuer bene had nor made: And that this acte, or the said act made in the saide xxvij. yere of the raign of our said late soueraign lord king Henry the

eight, or anie clause, article, sentence or other thing therin contained, shall not extende to anie Colledges, chappels, chauntries, or other thing or thinges mentioned in this acte, now being in esse, or standing, or now not being in esse, or not standing, or to anye manours, landes, tenements, possessions, reuenues, or hereditamentes, annexed, united, belonging or appertaininge to any colledge, chappell, chauntrie, or other thinge mentioned in this acte now being in esse, or standinge, or now not beinge in esse, or not standinge, or to any other thing or things, mẽtioned or expressed in this acte: which anie person or persones, bodies, politike or corporate, haue had, or obtained by the assente, licence, confirmation, graunt, or letters patentes of the said late king, or of the kinges Maiestie that now is, nor shall extende to anie manours, landes, tenements, reuenues, possessions, hereditaments, or other thinge or thinges, mentioned, expressed, or contayned in anie suche licence, confirmation, graunte, or letters patentes, but that euery suche person and persones, bodies, polytike and corporate, their heires and successours and assignes, and the heires, successoures and assignes of euery of them, shall haue, holde, and enioy, all and euery the same colledges, chappels, chauntries, manoures, landes, tenementes, reuenues, possessions, and hereditamentes, and all and euery other thinge and thinges whatsoeuer so by them

had

had or obtained, by the assent, licence, confirmation, graunt, or letters patentes of the saide late kinge, or of the kinges Maiestie that nowe is, according to the wordes, sentences, fourme, effect, meaning, and intent, of the same licences, confirmations, graūts, and letters patentes, this acte, or the sayde act made in the said xxxvij. yere of ỹ raigne of the said late kinge Henry the eight or anie clause, article, sentence, matter, or thinge mencioned, expressed, or contained in anie of the same actes, to the contrarie thereof in anie wise notwithstanding.

¶ Offices.

¶ An acte touching the finding of offices before the Eschetour. Anno secundo Edwardi 6. Cap. 8.

¶ Eschetours. 15.

WHere manie and diuers persons, holding, or that haue holden, lāds, tenements, or hereditamēts some for term of yeres, & some by copy of court rolle, haue ben expulsed & put oute of their termes and holdes, by reason of Inquisitions, or offices, founden before Eschetours, commissioners, and other, cōteining tenures

of the kinge in capite, entitling the kinge to the wardshippe or custodie of suche landes or tenementes, and sometime entitlinge the king to the same, vpon attaindours of treason, felonie, or otherwise, by reason that suche leases for terme of yeares, or interest by copie of court rolle, of such persons haue not bene found in such inquisitions or offices: after which expulsion or puttinge out, the said persons haue bene without remedy, for the obteinung of the said fermes & holdes, during the kings possession therein, and can haue no Trauerse, Monstrance de droit, ne other remedie for the same, because their said interest, is but a chatel in the law or customarie holde, and no state of free holde. And also, where anie personne or persones hath any rent, common, office, fee, or other profite Apprender, of anie state of free holde, or for yeares, or otherwise out of such lands, or tenementes specified in suche offices, or inquisicions the said rent, cõmen office, fee, or profite Apprender, not found in the same office or offices, such personnes are in like maner without remedie, to obtayne or haue the said rent, common, office, fee, or profite Apprender, by anie trauerse, or other speedy meane, without great & excesse charges, during the kinges interest therein, by force of such inquisition or office.

¶ For remedie whereof, be it enacted by authoritie of this present parliament, that where anie such office or inquisitions, is or

shalbe

shalbe founden, omitting such titles, interestes, or matters as is aforelaid, that in al such cases, euerie lessee, tenaunt for terme of yeres, or copiholder, and euerie such persone or persones, that haue or shal haue, anie interest to any rent, cõmon or profite Apprender for terme of yeres, life, or otherwise, out of any of the landes, tenementes, or hereditaments contained in such office or inquisition, where the king his heires or successors is or shall be intitled, as is aforesaid, to anie such landes, tenementes, or hereditamentes, shall haue, holde, enioy, and perceiue, all and euerie their leases, and interestes, for terme of yeres, or by copy of court rolle, rents, cõmons, offices, fees, and profit Apprender, in suche maner, forme, state and condition, as they and euerie of them, shoulde or mighte, haue done, in case there had bene no such office, or inquisition found, and as they should or lawfully might, or ought to haue done, in case such lease, interest by copy of court roll' rent, common, office, fee, or profite Apprender had bene founden in such office, or inquisition, any lawe, custome or vsage to the cõtrary heretofore vsed in such cases, in anie wise notwithstanding.

¶ And also, where it is or shal be founden for the king, his heires or successours, that the heire or heires of his tenant, or tenants is or shall bee within age, where in deede such heire or heires is, or shal be at the same time of full age, or of a more or greater age, then

then is or shalbee contained within suche office.

¶ Be it further enacted by the authority aforesaide, that in euery such case, such heire and heires, shal and may at his or their very full age, or after pſecute [alias prosecute] a writte of Estate probanda, and sue hys or their liuerie, or Ouster le maine, as his or their cases shall lie, and haue the profits of his or their lands, tenementes, or hereditamentes, from the time of his or their verie full age, anie such vntrue office or inquisition, or anie lawe or custome to the contrarie in any wise notwithstanding.

¶ Also where one personne or moe, is or shall be founden heire to the kinges tenaūt by office or inquisitiō, where any other person is, or shall be heire, or if one personne or moe, be or shalbe founden heire by office, or inquisition, in one countie, and another person or persons is or shalbe founden heire to the same person in another countie, or if any person be, or shalbe vntruely founden lunatique, ideot, or dead. Be it enacted by ȳ authoritie aforesaide, that euerie person & persōs, greued, or to be greeued by any such office or inquisition, shal and may haue his or their trauers to the same, immediatly, or after, at his or their pleasure, and proceede to trial therein, and haue like remedie and aduauntage, as in other cases of trauers vpon vntrue inquisitions or offices founden, anie law, vsage, or custome to the cōtrary in anie

wise

wise notwithstanding.

¶ Also where it is or shal be herafter vntruely founden by office or inquisions, that any person or persõs atteinted, or that shalbe atteinted of treason, felony, or præmunire, is or shalbe seised of any lands, tenementes, or hereditaments, at any time of such trealõ felony, or offence, committed or done, or anie time after, whereunto anie other person or persons hath, or shal haue anie iust title or interest of any estate of freeholde, that then in euery such case, euery pso & persõs greeued therby, shal haue his or their trauers, or Monstrans de droit to ỹ same, wout being driuen to any peticiõ of right, & like remedy & restitution, vpon his or their title, founde or iudged for him or them therin, as hath bẽ accustomed & vsed, in other cases of trauerse although the kinges maiestie, his heires, or successours, be or shal be, in suche case entytled to any such lands, tenements, or hereditaments, by double matter of recorde, any lawe, custome or vsage to the contrary in anie wise notwithstanding.

¶ And further be it enacted by the auctoritie aforesaid, that where any inquisitiõ or office, is or shalbe founden, by the woordes or like. Quod de quo vel de quibus tenementa prædicta tenẽt iurat præd. ignorant, or els foũden holdẽ of ỹ king Per que seruic. ignorãt, or such like, ỹ in such case, such tenure so vncertainly foũdẽ. De quo vel de quibus tenta p̃dict, tenent ignorant, shall not be taken for any

immedi-

immediatlie tenure of the king, nor such tenure so founden of the king. Per que seruic. ignorant, shal not be take any Tenure in capite, but in such cases, a melius inquirendū, to bee awarded as hath ben accustomed in old time, any vsage of latter time to the contrarie notwithstanding.

¶ And be it further enacted by aucthoritie aforesaide, that where it is or shalbe foundē by anie office, or inquisition, that any lands, tenements, or hereditamentes, are, or shalbe discended, remained, or common to any heire within age, and in the kinges ward, or that ought to be in the kings ward, & that such lands, tenements, or hereditamēts are holdē of the king immediatly, where in dede ȳ sāe are or shal bee holden of some other common person, and not of the kinge immediatlie: that in such case, such heire or heirs, shall & may haue ther trauerse to the same writ in age, and like remedie and restitution vpon his or their title, founden or iudged for him or them therein, as hath been accustomed & vsed in other cases of trauerses, anie lawe, vsage, or custome to the contrarie in anie wise notwithstanding.

¶ Also where the kings Maiestie by his Prerogatiue, ought to haue as well suche landes, and tenementes, as be holden of other psons, as holden of him selfe immediatly, whereof his tenant holding of himself in chiefe, dieth seised his heire being within age, vntil such time as liuery be sued by such heire

heire, and that the meane Lordes, of whom the saide other lands and tenements, of such heire be holden, vsed to spare the rentes due to them for the same landes or tenementes, holden of them, during the kings possession. And when such heire hath sued his or their liuerye they vse by distresse, or otherwise to compell the said heire to pay to them the arrerages of such rentes, for suche time as the saide landes or tenementes, were in ỹ kings possession by suche minoritie, where they should haue sued by petition to the kinges maiestie, to haue obtained the same out of ỹ kinges handes, if they would haue the same which is to the great detryment, losse, and hinderance of such heire and heires. For redresse wherof be it enacted by the auctority of this present parliament, that from henceforth, such meane Lordes, during suche minoritie, shall haue, receiue, and take the sayde rentes by the handes of such the kings officers, as shalbe appointed to haue receiue, & take the issues, reuenues, and profites of the same lands, and tenements, so holden of such meane Lordes, during the minority and nonage of such heire and heires, and vntill such heire and heires sue his or their liuery, and that such heire and heires vntill suche tyme as he or they shall haue sued their liuery, or might conuenientlye haue sued their liuerye, shalbe thereof clerely discharged. And that such officer or officers shall vppon requeste made, pay, the same to suche meane Lordes

(they

(they geuing to suche officer and officers, a sufficient acquitaunce, or acquytaunces, for the receipte of the same.) And that such payment thereof made with acquitaunce, or acquitaunces thereof shewed, shall bee to suche officers a sufficient discharge, against the kynges maiestie, and his heires vpon his or their accompte in that behalfe, any lawe, vsage or custome heretofore had, or vsed to the contrary hereof in anye wyse notwithstanding.

¶ Prouided alwayes, and it is enacted by the aucthoritie aforesaide, that this acte, or anye thinge therein contayned, shall not in any wyse extende to any inquisition or office taken or founden, at anye time before the xx. daye of March next comming, nor to hinder preiudice, or take awaye, the title, interesse, or possession of our Soueraigne Lorde the kinge, or of anye other persone or persones growen, or commen by vertue, meane or occasion of anye inquisition or office taken, or founde before the same day, but that as well our saide Soueraigne lorde the kinge, as all other persone or persones, hauing anye title, interest, or possession, by vertue, meane, or occasion of any inquisition or office founde before the same daye, shall, and may haue, holde, and enioy the same in like maner and fourme, as though this acte had neuer bene had or made, any thing in the same acte to the contrary in any wise notwithstanding.

¶ Prouided also, and it is enacted by the

aucthor-

auctthoritie aforesayde, that in all such cases as anye persone or persones shall bee enhabled by this acte to haue anye trauerse, and shall pursue his or their trauers, that then he or they that shall pursue suche trauerse, shall sue one writ, or seueral writes of Scire facias (as the case shall require) against all & singuler such person and psons as shal haue interest by the kyng, or by his patente or patentes, in like maner and fourme as is requisite, vpon trauerses, or petitions heretofore pursued. And that in euery suche Scire facias, the patentees, or other defendauntes shall haue like plees, and aduauntages, as they had in anye Scire facias, before this time awarded against anye patentee in anye case of petition. And also, ẏ vpon euery trauers ẏ shal be pursued by vertue or mean of this act, in suche case as the partie or parties that shall pursue any suche trauers, shoulde by the order of the common lawes of this Realme, haue bene put to sue by petition to the kinge, there shalbe two writes of searche grauted in maner & fourme, as like writes haue ben graunted vpon petitions made to the king.

¶ Prouided also, and it is enacted by the auctthoritie abouesaid, that if after any iudgement shalbe geuen vppon anye trauers, that shalbe tended, or sued by vertue or meane of this acte, it shall appeare by any matter of recorde, that the kyng hath anye other former title, right, or interest to the manours,

landes,

landes, tenementes, or other hereditamentes, mentioned in the same trauers, that then the same title, right, and interest, shalbe saued to the kinge, the saide trauers and iudgement thereupon geuen, in any wise notwithstanding.

¶ Tithes.

¶ An acte for payment of Tithes.
An. 2. E. 6. cap. 13.

¶ Tithes. 10.

WHere in the Parliament holden at Westminster the iiij. daye of Februarie in the xxvij. yeare of the raigne of the late kinge of moste famous memorye kyng Henry the eight. |cap. 20. Tithes. 5.| there was one acte made, concerning payment of tithes predial and personall. And also in an other Parliament holden at Westminster the xxiiij. daye of July in the xxxij. yere of the reigne of the said late king Henry the eight, | cap. 7. Tithes 8. | In other acte was made concerning true payment of tithes and offerings, in which seueral actes, many and diuers things be omitted and left out, which were conuenient and very necessarie to bee added to the same: In consideration whereof, and to thintent the sayde tithes may bee hereafter truelye payde, accoꝛding to the minde of the makers of the saide acte: Be it oꝛdeined and enacted by the king our soueraigne Loꝛde, with the assent of the Loꝛdes

lordes spirituall and temporall, and the commons in this present parliament assembled, & by thauctoritie of the same, that not onely the said actes made in the said xxvij. and xxxij. yeres of the raigne of the said late king Henry the eight, concerninge true paimēt of tithes, and euery article, and braunche there in conteined, shall abide and stande in theire full strength and vertue, but also bee it further enacted by thauctoritie of this present parliament, that euery of the kings subiects shal from henceforth truely and iustly with out fraude or guyle, deuide, set out, yelde and pay, al maner of their predial tithes, in their propre kind, as they rise and happen, in such maner & fourme, as hath bene of right yelded and payd within forty yeres next beefore the making of this act, or of right or custome ought to haue bene paied. And that no person shal from henceforth, take or cary away any such or like tithes, which haue bene yelded or paied within the said fortye yeares, or of right ought to haue bene paied, in the place or places tithable of ỹ same, beefore he haue iustly deuided or set forth for the tithe therof, the tenthe part of the same, or otherwise agreed for ỹ same tithes, with the parson, vicar, or other owner, proprietorye, or fermour of the same tithes vnder the paine of forfaiture of treble value of ỹ tithes so taken or caried away.

And be it also enacted by the auctoritie aforesaid, that at al times whensoeuer, and

as often as the ſaid predyall tithes ſhal bee due, at the tithing time of the ſame, it to be lawfull to euery pry to whom anye of the ſaied tithes ought to be payed, or his deputy or ſeruant, to viewe & ſee their ſaid tithes to bee iuſtly and truely ſet forth and ſeuered from the ix. partes, and the ſame quietly to take and cary away. And if any perſonne cary away his corn or hay, or his other predial tithes, before the tithe thereof bee ſett forth, or willingly withdrawe his tithes of the ſame, or of ſuch other thinges, whereof predial tithes ought to be paied, or do ſtopp or let ỹ parſon, vicar, proprietory, owner or other their deputies or fermours, to viewe, take, & cary away their tithes as is aboue ſaied, by reaſon whereof the ſaied tithe or tenthe is loſt, impaired, or hurt, that then vpon due proofe thereof made, before the ſpiritual iudge, or any other iudge, to whom heretofore he might haue made complaynt, the party ſo carying away, withdrawing, letting or ſtopping, ſhal pay the double value of the tenth or tithe, ſo taken, loſt, withdrawen or caried away, ouer and beſides ỹ coſtes, charges and expẽces of the ſuit in the ſame, the ſame to be recouered before the eccleſiaſticall iudge, according to the kynges eccleſiaſticall lawes.

¶ And be it further enacted by thauctoritie aforeſaied, that all and euery perſonne which hath or ſhal haue any beaſts, or other cattel tithable, going, feeding, or depaſturing

in any waſt or common grounde, whereof ỹ parithe is not certainely knowen, ſhall pay their tithes for the increaſe of the ſaid cattel ſo going in the ſaid waſt or common, to the perſon, vicar, proprietory, portionary, owner or other their farmours or deputies of ỹ paryſh, hamlet, towne, or other place, where the owner of ỹ ſaid cattel inhabiteth or dwelleth

Prouided alwaies, and be it enacted by thauctority aforeſaid, that no perſon ſhalbe ſued, or otherwiſe compelled to yeld, geue, or pay any maner of tithes, for any mannours, lands, tenemẽts, or hereditamẽtes, which by ỹ lawes & ſtatutes of this realme, or by any priuiledge or preſcription, are not chargeable with the payment of any ſuch tithes, or that be diſcharged by any compoſition reall. |Se before 31. H.8.ca.13.|

Prouided alwaies, and be it enacted by thauctority aforeſaid ỹ al ſuch barrē heath or waſt ground (other then ſuch as bee diſcharged for the payment of tithes by act of parliamẽt) which before this time haue lyen barrē & paid no tithes by reaſō of ỹ ſame barrennes, & now be, or hereafter ſhalbe improued & conuerted into arrable groūd or meadowe, ſhal from henceforth, after thend and terme of vij. yeres next after ſuch improuement, fully ended & determined, pay tithe for the corne & hay growing vppon ỹ ſame: any thing in this act to the contrary in any wiſe notwithſtanding.

Prouided alwaies and bee it enacted by

the aucthoritie aforesaied, that if any such barren, wast, or heath grounde, hath beefore this time ben charged with the payment of any tithes, and that the same bee hereafter improued and conuerted into arrable groūd or medow, ye then ye owner or owners therof, shal during vij. yeres next following, frō and after the same improuement, pay such kind of tithe as was payd for the same before the saied improuement: any thinge in this act to the contrary, in any wise notwithstandinge.

¶ And bee it also further enacted by aucthoritie aforesaid, that euery pson exercising merchādises, bargaining & selling, clothing, handicraft, or other arte or faculty, beynge such kinde of persons, and in such places as heretofore within this xl. yeres haue accustomably vsed to pay such personall tythes, or of right ought to pay, other then such as ben common day laborers, shall yerely at or before the feast of Easter, pay for his personal tithes, the x. part of his clere gaines, his charges and expenses, acordinge to his estate, condition, or degree to be therin abated allowed, and deducted.

¶ Prouided alwaies, and bee enacted, that in al such places, where handy craftes mē haue vsed to pay their tithes within this xl. yeres, the same custome of payment of tiths to be obserued, & to cōtinue: any thing in thiz act to the contrary notwithstanding.

And bee it also enacted by the aucthoritye afore=

foresaid, that if any person refuse to pay his personal tithes in fourme aforesaid, that thē t shalbe lawful to the ordinary of the same dioces, where ẏ party (that so ought to pay he said tithes) is dwellinge, to cal the same party before him, & by his discretion, to examine him by all lawfull & reasonable meaes, other then by the parties owne corporate othe, concerning the true payment of ẏ aid personal tithes.

¶ Prouided alwaies, and be it enacted by he aucthority aforesaid, that al & euery person & psons, which by the laws or customez f this Realme, ought to make or pay their ffrings, shal yerely frō henceforth, wel and uely content & pay, his or their offrings, to he person, vicar, proprietory, or their deputes or fermers of ẏ parish or parishes wher shal fortune or happen him or them, to wel or abide: & that at such fower offringe ies, as at any time heretofore within the ace of iiij. yeres last past, hath bene vsed & customed for ẏ paiment of ẏ same, & in deult thereof, to pay for their said offrings at aster then next following.

Prouided also, & be it enacted by the aucoritie aforesaid, that this act or any thing erin conteined, shal not extende to any pah, which stands vpon, & towards the sea asts, the cōmodities & occupying whereof nsisteth chiefly in fishinge, & haue by reasō ereof, vsed to satisfie their tithes by fish, t ẏ al & euery such parish & parishes shall

hereafter pay their tithes, accordinge to the lawdable customes, as they haue heretofore of auncient time, within this xl. yeres, vsed and accustomed, and shall pay their offrings as is aforesaid.

Prouided alwaies, & be it enacted by the authoritie aforesaid, þ this act, or any thing therin conteined, shal not extend in any wise to the inhabitaunts of the city of London & Caunterbury, & the suburbs of the same, ne to any other towne or place, that hath vsed to pay their tithes by their houses, otherwise then they ought or shoulde haue done before the making of this act: any thing conteyned in this act, to the contrary in any wise notwithstãding | See 27. H. 8. ca. 21. & 37. H. 8 cap. 12. and the decree thereupon in the collection of statuts. Tithes 6. & 9. |

¶ And bee it further enacted by the authoritie aforesaid, that if any person do subtract, or withdraw any maner of tithes, obuentions, profites, cõmodities, or other dueties before mencioned, or any part of them, contrary to the true meaninge of this act, or of any other act heretofore made, that then the party so subtractinge, or withdrawinge the same, may or shal be conuented and sued in the kinges ecclesiastical court, by the partie from whom the same shalbee subtracted or withdrawen, to thintent the kings iudge ecclesiastical! shall and may then and there heare & determine the same according to the kinges ecclesiastical lawes. And that it sha

no

not be lawfull vnto the person, vicar, ꝑpri-
etorie, owner, or other their fermours, or
deputies, contrary to this act, to conuent or
sue such withholder of tithes, obuentiõs, or
other dueties aforesaide, before anie other
iudge, then ecclesiasticall. And if any arch-
bishops, bishops, chaũcellor, or other Iudge
ecclesiastical, geue any sentence in the fore-
saide causes of tithes, obuentions, profites,
emoluments, and other dueties aforesaid, or
in any of them (& no appeale ne prohibition
hanging) the party cõdempned do not obey
the said sentence, that then it shalbe lefull to
euery such iudge ecclesiasticall, to excõmuni-
cate the said party, so as afore condempned,
& disobeying, in ỹ which sentence of excom-
munication, if the said party excommunicate
wilfully stand and endure still excommuni-
cate, by the space of fortie dayes next after,
vpon denunciation & publication thereof, in
the parish churche, or the place or parish,
where the party so excommunicate is dwel-
ling or most abiding, the said iudge eccleſia-
tical, may then at his pleasure signifie vnto
the king into his court of chauncerie, of the
state and condition of the saide partie so
excommunicate, & thereupon to require pro-
ces De excommunicato capiendo, to be awar-
ded against euery such person as hath been
so excommunicate.

Be it further enacted by ỹ authoritie a-
foresaid, that if any party at ante time here-
after, for any matter or cause before rehersed

limitted or appointed by this act, to be sued or determined in the kinges ecclesiasticall court, or before the ecclesiasticall Judge, do sue for anie prohibition in anie of the kinges courts, where prohibitions before this time haue been vsed to be graunted, that then in euery such case, ỹ same party before any prohibition shalbe graunted to him or thē, shall bring & deliuer to the handes of some of the Iustices or Judges of ỹ same court where such party demaunded prohibition, the very true copy of the libell, depending in the ecclesiasticall court, concerning the matter, wherefore the party demaundeth prohibition, subscribed or marked with the hande of the same party, and vnder the copy of ỹ said libel, shalbe written the suggestion, wherefore the party so demaūdeth the said prohibition: and in case the said suggestiō, by two honest and sufficient witnesses at the least, be not proued true in the court, where the said prohibition shalbe so graunted, within sixe moneths next followīng after the said prohibition shalbe so graūted and awarded that thē the party that is letted or hindered, of his or their suite in the ecclesiastical court by such prohibition, shal vppon his or their request & suite, without delay haue a cōsultation graunted in the same case in ỹ court, where the said prohibition was graunted, and shall also recouer double costes and dāmages against the partie that so pursued ỹ said prohibition, the saide costes and dāma-

ges

ges to be assigned or assessed by the court, where the said consultation shalbe so graun-ted, for which costs and dāmages, the par-ty to whom they shalbe awarded, may haue an action of debt, by bill, plaint, or infor-mation in any of the kinges courtes of record, wherein the defendaunt shall not wage his or their law, nor haue any essoigne or pro-tection allowed or admitted.

¶ Prouided alwaies and be it enacted by the authoritie aforesaid, that this act or any thing therein conteined, shall not extend to geeue any minister or Iudge ecclesiastical, any iurisdiction to holde plee of any matter, cause or thing, being contrary or repugnant to, or against the effect, intent or meaninge of the statute of Westminster seconde, the .b. Chapiter, the statuts of Articuli Cleri, circū-specte agatis: silua cedua, & treatise, De regia Pro-hibitione ne against the statut of Anno primo Edwardi tertij the tenth Chapiter, or anie of them, ne yet hold plee in any matter, wher-of ye kings court of right ought to haue iu-risdiction, any thing herein conteined to the contrary in any wise not withstanding.

¶ Prouided neuertheless, where hereto-fore such a custome hath ben in many parts of Wales, that of such cattel and other goods as hath ben geuen with the mariage of any person, there tithes haue ben exacted and le-uied by the persōs & curates in those parts which custome being dissonaunt from anie part of this realme, as it seemed when the

saide

sayd countrey of Wales, was through ciuil discention vnculted, for want of other sufficient profitz, that might otherwise grow to the curates and ministers there, to haue ben for that time tollerable, so now the countrey being well manured and husbanded, & that tithe is duelie payde there, of corne, haye, wooll and cheese, and of other increase of all maner of cattell, as it is commonlie in all other partes of this realme, ẏ same custome seemes to bee greeuous and vnreasonable, specially where the benefices are els sufficient for the findinge of the saide ministers and curates, that it bee therefore enacted by the aucthoritie aforesaide, that from and after the first day of May next comming, no such tithes of mariage goods be exacted or required of anie person within the saide dominiō of Wales, or marches of the same: anie thinge in this acte conteyned, or anie other acte, custome, prescription, had or made to the contrarie hereof notwythstanding.

¶ An actfor the limitation of prescription in certaine cases made in the second session of the first parliament. 1. M. Cap. 5.

¶ Limitation. 2.

The saide former act made in the sayde xxxij. yere of the raigne of the sayde late kīg Hēry | which is before. 32. H. 8. ca. 2

Limitation. 3.

Limitatiõ.3./or any article, clause, sentence, or matter therein conteined, shal not extend to any writ of right of aduowson, Quare impedit, or assise of darreine presentmẽt, or Iure patronatus, nor to any writte of right of ward, writ of rauishment of warde, for the wardship of ỹ body, or for the wardship of any castels, honors, maners, lands, tenemẽts, or hereditamẽtes, holden by knightes seruice nor to the seyser of the wardship of the body of anie warde or wardes, or to the seyser or wardship of anie castels, honours, maners, landes, tenements, or hereditamentz holden by knightes seruice, but that all and euerie person and persons, bodies politique and corporate, their heires and successours, the heires and successours of euery of them shall and may haue, maintaine, and pursue all and singuler the saide writtes of right of aduowson, Quare impedit, assise of darreine presentmẽt, iure patronatus, writtes of right of warde, rauishment of ward, and also sease the wardship both of the body, and of the castels, honours, maners, landes, tenements, & hereditamẽts, holden by knights seruice, in like maner & fourme, to al intents constructions, & purposes as they or anie of them should or might haue done, made, or pursued before ỹ making of ỹ said act made in the said xxvij. yere /cap. 2 /as though the same acte had neuer ben had or made: anie thing in the said former act to the contrarie notwithstanding.

¶ An

Fraudulent deedes.

¶An act against Fraudulent deedes, giftes, grauntes, alienations, &c. Anno 13. El. Cap. 5.

¶Fraudulent deedes. 1.

FOr the auoyding and abolishing of faigned, couenous and fraudulent feoffemēts, giftes, grauntes, alienations, conueiaunces, bondes, suites, iudgementes, and executions, aswell of landes and tenementes, as of goodes and cattelles, more commōly vsed and practised in these dayes, then hath beene seene and heard of heretofore: which feoffementes, giftes, grauntes, alienations, conueyaunces, bondes, suites, iudgementes, and executions, haue beene, and are deuised and contriued of malice, fraude, couin, collusion or guyle, to the ende, purpose, and intent, to delay, hynder, or defraude creditours, and others of their iust and lawfull actions, suites, debts, accomptes, dāmages, penalties, forfaitures, heriots, mortuaries, and relieses, not onely to the let or hinderance of the due course and execution of lawe and iustice, but also to the ouerthrowe of all true and plaine dealinge, bargayning, and cheuisaunce, betweene man and

and man, without the which noe common wealth or ciuil societie can be mainteyned or continued: Be it therefore declared, ordeined, and enacted by auctoritie of this present parliament, that all and euery feoffement, gift, graunt, alienation, bargaine, and conueiance of landes, tenementes, hereditamentes, goodes, and catteiles, or of any of them, or of any leafe, rent, common, or other profit or charge out of the same landes, tenementes, hereditamentes, goodes, and catteiles, or any of them, by writinge or otherwise: and al and euery bond, suit, iudgment, and execution, at any time had or made sithence the beginninge of ỹ Queenes Maiesties raigne that nowe is, or at anye time hereafter to be had or made, to or for any intent or purpose before declared and expressed, shalbe from henceforth deemed & taken (onely as against that person or persõs his or their heires, successours, executours, administratours, and assignes, and euery of them, whose actions, suites, debts, accõpts, dãmages, penalties, forfaitures, heriots, mortuaries, & reliefes, by such guylefull, couenous, or fraudulẽt deuises & practises, as is aforesaied, are, shall, or mought be in anye wise disturbed, hindred, delaied, or defrauded) to be clearely and vtterly voide, frustrate, & of none effect: any pretence, colour, fayned consideration, expressing of vse, or any other matter or thynge to the contrary,

notwith-

notwithstanding.

¶ And bee it further enacted by thauctoritie aforesayed, that al and euery the partyes to such fayned, couenous, or fraudulent feoffement, gyft, graunt, alienation, bargayne, conueyance, bonds, suits, iudgemēts, executions, and other thinges before expressed, or being priuie & knowing of the same, or any of them, which at any tyme after the tenth day of June next comminge, shal wittingly and willingly put in bre, auowe, maintaine, iustifie, or defende the same, or any of them, as true, simple, and doone, had, or made, bona fide and vpon good consideration: or shall alien or assigne any the landes, tenementes, goodes, leases, or other thinges beefore mencioned, to hym or them conueied, as is aforesaied, or any part thereof, shal incurre the penaltie and forfaiture of one yeares value of the sayed landes, tenementes, and heredytamentes, leases, rentes, commons, or other profits, of or out of the same, & the whole value of the saied goodes and cattelles, and also so much money, as are or shall be contained in any such couenous and fayned bonde: the one moytie whereof to be to the Quæenes Maiestie, her heires and successours, & thother moitie to the partie or parties greeued by such fayned and fraudulent feoffement, gyfte, graunt, alienation, bargaine, conueyance, bondes, suits, iudgements, executions,

cutions, leases, rentes, communes, pro-
fites, charges, and other things aforesaied,
to bee recouered in any of the Queenes
courts of recorde, by action of debt, byll
playnt, or information, wherein none es-
soigne, protection, or wager of lawe shal-
be admitted for the defendant or defendāts
& also being thereof lawfully conuicted, shal
suffer imprisonment for one halfe yere without
baile or maunprise.

¶ Prouided alwaies and be it further en-
acted by ỹ auctoritie aforesaied, that where
as sundry commen recoueries of landes,
tenementes, and hereditamentes, haue here-
tofore ben had, and hereafter may bee had
agaynst tenaunt in tayle, or other tenaunt
of the freeholde, the reuersion or remayn-
der, or the ryght of reuersion or remayn-
der then beeinge in any other persone or
persones, that euery such common re-
couerye heretofore had, and hereafter to be
had of any landes, tenementes, or he-
reditamentes, shall as touchinge such per-
sonne and personnes, whych then had a-
ny remainder or reuersion, or ryght of re-
mainder or reuersion: and against the heires
of euery of them, stand, remaine, & be of such
lyke force and effect, & of none other, as the
same should haue bene, if this act had neuer
ben had ne made.

¶ Prouided alwaies, & be it further enac-
ted by thauctority aforesaied, that thys
act

act, or any thing therein conteined, shall not extende to make voide any estate or conueiaunce, by reason whereof any person or persons shal vse any voucher in any writte of Forme downe now depending, or hereafter to be depending, but that al & euery such vouchers in any writ of Forme downe shal stād and be in like force and effect, as if this acte had neuer bene had ne made: any thing before in this act contained to ỹ contrary notwithstanding.

¶ Prouided also, and be it enacted by the auctheritie aforesaied, that this act, or anye thinge therein conteyned, shal not extend to any estate or interest in landes, tenementes, hereditamentes, leases, rents, commons, profits, goods, or cattells, had, made, conueyed, or assured, or hereafter to be had, made, conueied, or assured, which estate or interest, is or shalbe vpon good consideration, & bona fide lawfully cōueied, or assured to any persō or persons, or bodies politique or corporate, not hauing at ỹ time of such cōueiāce or assurance to them made, any maner of notyce or knowledge of such couin, fraud, or collusion, as is afore said: any thinge before mēcioned to ỹ contrary hereof, notwithstanding.

¶ This act to endure vnto ỹ ende of the fyrst session of the next parliament, & An. 14. El. ca. 4. cōtinued vnto the ende of the next parliament.

¶ An

¶ An acte that the exemplification or constat of letters patents, shal be as good and auailea-ble as the letters patents them selues.

Añ. 13. Eliz. cap. 6. Grauntes. 3.

FOr ỹ auoidīg of al such doubtꝫ, questi-ons, & ambiguities, as heretofore haue risen and bene moued, & of such as here-after might rise and be moued, in & vpon ỹ statute made in ỹ parliamt begunne & holdē at Westminster the iiij. day of November, in the third yere of the raigne of our late soue-raigne lord king Edward the vi, entituled an act concerning graunts and giftes, made by patentees out of letters patēts, | which is 3. E. 6. ca. 4. Grauntes 2. | and for a due and ful supply of al such wantes as may be thought to be therein: Be it enacted & de-clared by the auctoritie of this present par-liamēt, that al & euery patentee & patētees, their heires, successours, executours, & assig-nes, & al and euery other person & persons, hauīge by, or from them or any of thē, or vn-der their title, any estate or interest, of, in, or to any landes, tenementes, or hereditamētz, or any other thing whatsoeuer, to such pa-tentee or patentees heretofore graūted by a-ny letterz patents, either of ỹ most famous princes kīg Hēry ỹ eight, king Edward ỹ vi, Queene Mary, kīg Philip & Queene Mary, or by any of thē, or by the Queenes most excellent Maiesty that now is, at any time sithence the iiij. day of February, in the

xxvij. yere of the raigne of the said late king Hēry the eight, or els by ye Queenes Maiestie that now is, her heires or successourz, at any time hereafter to be graunted, shall and may at al times hereafter, in any of ye Queenes highnesse courts, her heires, or successours, and els where, by the aucthority of this present act, make & conuey, & be allowed & suffered to make & cōuey, to & for him, thē & euery of them selues, such claime, or title, by way of declaratiō, plaint, auowrie, barre, replicatiō, or other pleading what soeuer, aswel against the Queenes highnes her heirs, & successours, & euery of thē, as against al & euery other pson & persōs what soeuer, for or concerning the lands, tenemēts hereditaments, or other things whatsoeuer specified or conteined in any such letterz patents, or of, for, or cōcerning any pt or pcell thereof, by shewing forth an exemplificatyō or constat, vnder ye great seale of Englād, of the inrolment of ye same letters patents, or of so much therof, as shal & may serue to, or for such title, claime, or matter, ye sāe letters patentes then being and remayning in force, not lawfully surrendred nor cancelled for or concerning so much & such part and parcell of such landes, tenements, hereditamentes, or other thing, wherunto such title or claime shalbe made, as if the same letters patents selfe were pleaded & shewed forth any law, vsage, or other thing, whatsoeuer to the cōtrary notwithstanding.

¶ An

¶ An acte against Vsurie Añ 13. Eliz. Cap. 8.

¶ Vsurie 8.

WHere as in the Parliament holden the xxxvj. yere of the Raigne of our late Soueraigne lorde kinge Henry the eight of famous memorie | cap. 6. Vsurie 6. | there was then made & established one good act for the reformation of vsurye, by which act ẏ vice of vsury was wel repressed & especially the corrupt cheuisance & bargayning by way of sale of wares, & shifts of interest. And where since ẏ time by one other act made in the v. & vj. yeres of the raigne of our late soueraigne lorde king Edward ẏ 6. | ca. 20. | the said former act was repelled, & new prouisoes for repressing of vsury deuised & enacted, which said latter act hath not done so much good as was hoped it should, but rather ẏ said vice of vsury, & specially by way of sale of wares & shiftes of interest, hath much more exceedingly abounded, to the vtter vndoing of many gentlemē, marchāts occupiers & other, & to ẏ importable hurt of ẏ cōmon wealth, aswel for ẏ in ẏ said later act there is no prouisiō against such corrupt shifts & sales of wares, as also for ẏ there is no difference of paine, forfaiture, or punishment, vpon the greater or lesser exactions & oppressions, by reason of lones vpon vsury: Be it therefore enacted, that the saide later statute made in the v. and vi. yeres of the raign of king Edward ẏ 6. | ca. 20. | & euery

braūch and article of the same, from & after the xxd. day of June next comming, shalbe vtterly abrogated, repelled, & made voide, & that the said act made in the said xxvij. yere of king Henry the eight [ca. 6.] from & after the laide xxd. day of June next comming shalbe reuiued, & stand in full force, strength and effect.

¶ And be it further enacted, that al bonds, contracts, & assurances, collaterall or other to be made for payment of any principall, or money to be lent, or couenant to be performed vpō or for any vsury, in lending or doing of any thing against the said act nowe reuiued, vpō or by which lone or doīg, there shalbe reserued or taken aboue the rate of x. poundes for the hundred for one yere, shall be vtterly voide.

¶ And be it further enacted, that all Brokers, solicitors, & driuers of bargaines, for contracts or other doings against the sayde statute now reuiued, wherupō shalbe reserued or taken more then after the rate of x.li. for the lone of C.li. for a yere, shalbe to al intēts & purposes, iudged, punished, & vsed as Counsellours, attourneis, or aduocates, in ame case of præmunire.

¶ And forasmuch as all vsury being forbidden by the lawe of God, is sinne & detestable: Be it enacted ỳ al vsury, lone, & forbearing of money, or geuīg daies for forbearing of money by way of lone, cheuisaunce, shifts, sale of wares, cōtract, or other doīgs

what-

whatsoeuer for gaine, mentioned in the said statute which is now renued, whereupō is not reserued, or taken, or couenaunted to bee reserued, paide, or geuen tō ỹ lender, cōtracter, chafer, forbearer, or deliuerer, aboue the summe of x.li. for the lone or forbearing of a C.li. for one yere, or after ỹ rate for a more or lesser sūme or time, shalbe frō ỹ xx.th. day of June next comming, punished in fourme following, that is to say, that euery such offēdor against this braūch of this ꝓsēt statute, shal forfait so much as shalbe reserued by way of vsurie, aboue the principal, for ye same money so to be lent or forborne. All such forfaitures to be recouered & imploied as is limited for forfaitures by the saide former statute nowe renued.

¶ And be it further enacted that Justices of Oier & Terminer, & Justices of assise in their circuits, Justices of peace in their sessions, maires, shiriffes, & bayliffes of Cities, shal also haue full power & aucthority to enquire, heare, & determine, of all and singuler offences committed against the said statute now renued.

¶ And be it further enacted, ỹ the said statute nowe renued, shalbe most largely and strongly cōstrued for the repressing of vsurie & against al persōs that shal offend against the true meaning of the saide statute by any way or deuise, directly or indirectly.

¶ Prouided alway, that this statut doth not extend, nor shalbe expounded to extend

vnto any allowances or paymentes for the finding of Orphanes, according to the auncient rates, or customes of the citie of London, or any other Citie where like order is for the custody of Orphanes & their goodes as is in the said city of London.

¶ Prouided alwaies, and bee it further enacted by the authority afore said, that if any person or persons, shall from & after the said xvb. day of June, offende contrary to the saied statute reuiued by this present act made in the xxxviii. yere of the raigne of the said late kinge Henry the eight [ca 6.] that then al and euery such offendour and offendours, shal and may also be punished & corrected, according to the Ecclesiastical lawes heretofore made against vsurie. And that all and euery person and persons offendinge in vsurie, shiftes, or cheuisance against this present act, and not taking or receiuing but onely after the rate of x. pounds in the hundred, or vnder, for a yere, shalbe onely punyshed by the paines & forfaitures prouided and appointed by thys acte agaynst such as shall not take or receiue ouer and aboue the rate of x. pounds in the hundred for a yere, and not otherwise. This act to continue and endure for and during the space of fiue yeres, next after the end of this present Parliament, and from thence vnto the ende of the first Session of the Parliament then next ensuing.

¶ And be it further enacted by the authority

stie aforesaide, that if this present act shall not be continued in the first Session of the Parliament next ensuing the saide terme of .v. yeres, and then in the same Session no other statut or prouision made against vsurie or corrupt chenisance, ỹ then al & euery the lawes & statuts repelled by this act, shal remaine and be of such like force & effect, as if this present act had neuer ben had ne made [vide. 5. E. 6. ca. 20, 9.]

¶ An act against fraudes, defeating remedies for dilapidation of Ecclesiastical liuings, & for Leases to be graunted by collegiat churches. 13. E. cap. 10.

¶ Leases. 4.

FOr ỹ long & vnreasonable leases made by colleges, Deane & chapters, parsons, vicars, & other hauing spiritual promotions, be the cheefest causes of dilapidations & the decay of all spirituall liuings & hospitalitie, & ỹ vtter impouerishing of al successors, incũbents in ỹ same. Be it enacted by the auctoritie aforesaid, ỹ frõ henceforth al leases, giftes, graũts, feoffementes, conueyaunces, or estates, to be made, had, done, or suffered, by any master & felowes of any colledge, Dean & chapter of any Cathedral or collegiat church, master or gardian of anie hospital, parson, vicar, or anie other hauing any spiritual or ecclesiasticall liuing, or any houses, lãds, tithes tenemẽts, or other hereditamẽts being any parcell of the possessions

of any such college, Cathedral church, chapter, hospitall, personage, vicarage, or other spiritual promotion, or any waies appertaining or belonginge to the same, or of any of thē, to any person or persons, bodies politike or corporate (other then for the terme of xxi. yeres, or three liues, frō the time as any such lease or graūt shalbe made or graūted, wherby thē the accustomed yerely rent or more shal be reserued & payable yerely during the said terme) shalbe vtterly voide & of none effect to al intents, constructions, & purposes: any law, custome, or vsage, to the contrary any waies notwithstanding.

¶ Prouided neuerthelesse, & bee it enacted by thauctority aforesaid, ỳ this act nor any thinge therin contained, shalbe taken or construed, to make good any lease, or other grāt to be made by any such colledge, or collegiate church, within either of both the Vniuersities of Oxforde & Cambridge, or els where within the Realme of England, for more yeres then are limitted by the priuate statutz of the same Colledge.

¶ Prouided alwaies, that this act shal not extende to any lease hereafter to be made vpon surrender of any lease heretofore made, or by reason of any couenāt or condition, cōtained in any lease heretofore made, & nowe cōtinuing, so ỳ the lease to bee made do not conteine more yeres then the residue of the yeres of the former lease nowe continuinge shalbe, at the time of such lease hereafter to

be

be made, nor any lesse rent then is reserued in the said former lease. See a statute made 1. Eliz. which is inprinted concerninge exchaunges to be had betwene the Queenes Maiestie & Bishops, what leases & assurãces bishops may make. See also one other statut made ye said 13. yere ca. 20. Leases 5. and certaine braunches of the statute made 14. Eliz. cap. 11. touching leases, & charges, by such incumbents, & the other matters of this statute, which are omitted, because they are not yet perpetuall.

¶ Recoueries.

¶ An Acte for the auoiding of recoueries suffred by collusion by tenants for terme of life, and such others. Añ. 14. Eliz. cap. 8.

¶ Recoueries 5.

WHere diuers persons being seised, or that had bene seised of landes, tenementes, and hereditamentes, as tenauntes by the curtesie of England, tenãts in taile after possibilitie of issue extinct, or otherwise, onely for terme of life or liues, or of estates determinable vppon lyfe or liues, haue heretofore permitted & suffered, other persons, by agreement or couine betwene the had to recouer the same landes, & tenemẽts & other hereditamẽts against the same particuler tenants, in the Queenes Maiesties court, or haue permitted & suffered themselues to be vouched by other persons, by agre-

ment

ment or couin betwene them had in recoue-ries suffered of the same landes, tenements, & other hereditamts. in the Queenes Ma-iesties court, to the great preiudice of those to whom the reuersion or remainder thereof hath appertained, or ought to appertaine.

¶ For remedy whereof, be it enacted by ỹ Queenes most excellent Maiestie, with the assent of the Lordes spirituall and tem-porall, & the commons in this present parli-amẽt assembled, & by aucthoritie of the same that all such recoueries, hereafter to be had or prosecuted, by agreement of the parties, or by couin, as is aforesaide, against anie such particuler tenaunt of anie landes, tene-ments, or hereditaments, whereof the same particuler tenaunt is, or hereafter shalbe sci-sed of any such paticuler estate as is afore-said, or against any other, with voucher ouer of any such particuler tenaunt, or of anie hauing, or that had right or title to anie such particuler estate or tenauncie, as is a-foresaide, shal from henceforth, as against such person or persons to whom anie re-uersion or remainder thereof, by force of any conueiance or deuise before that time had or made, shall, ought, or lawfully may apper-taine, & against their heires & successours, be clerely & vtterly voide & of none effect, anie law or vsage heretofore had to the contrary thereof, in any wise notwithstanding.

¶ Prouided alway, that this act nor any thing therein conteined, shal extend, or bee

preiu-

preiudiciall, to any person or persons, that shal hereafter by good title, recouer any lāds tenementes, or hereditamentes, wythout fraud or couin, by reasō of any former right, or title, but that al & euery such recouery, & recoueries, so to be had or prosecuted vppon former rights or titles, shal stande & bee in lyke force, strēgth & effect, as they were before the making of this act, any thing herein contained to the contrary in any wise notwithstanding.

¶ Prouided also, that al & euery such recouery & recoueries, to be had or prosecuted, of any lands, tenements, or hereditaments, as aforesaid, by the assent & agreement of anye person or persons, to whom any reuersiō or remainder thereof then shal or ought to appertaine (so ỳ the same assent & agreement doe appeare of record in any court of our soueraigne Lady ỳ Quenes Maiesty, her heires or successours) shal stāde & be in lyke force, strength, & of like effect, against such pson & perſōs that shal so assent & agree, their heires and successours, as they were before the making of this act, any thinge herein contained to the contrary, in any wise notwithstanding.

¶ Be it further enacted by the auctoritie aforesaid, that one act made in the xxxij. yere of our late soueraigne Lorde kinge Henrye the eight, entituled. An act for the auoiding of recoueries by collusions by tenantes for terme of life, | An. 32. H. 8. ca. 31. shall bee

from

from the first day of July next ensuing repealed: and shall no longer stand in force.

¶ Iurours.

¶ An Acte declaring that the tenant & defendãt may haue a tales de circumstantibus, as wel as the demaundant or pleintife 14. Eliz. cap. 9. Iurours 20.

FOr the auoidinge of great & chargeable delayes oftentymes happening vnto tenauntes, and defendaunts: Be it enacted that in al cases whereas the partie plaintife or demãdant by any statute heretofore made may haue vpõ his or their request made vnto the Justices of Nisi prius, within thys Realme of Englande, or to the Justices of Oier, or of assises, of ỹ .vj. shires of Wales, & the countries palãtinez of Lãcaster, Chester, & Durham, a tales de circumstantibus, that in al and euery such case & cases, the party & parties, tenaunts, actours, auowants, & defendants (if the plaintifes or demaundantes shal vpon the calling of the principal pannel or Jury forbeare or refuse to pray the same) shal & may vpon his or their request or desire, haue vpon the same recorde, & by ỹ same Justices, the tales or talelles vnto thẽ grãted, in like maner, fourme, & degree, to al respectes & purposes, as the plaintife or demãdant in any suit or action may haue the same by any statute or ordinance heretofore made

or

or set forth, & the rather for the spedy triall of the issue & issues ioyned, or hereafter to be ioyned in any plee, suit, or action, any lawe, custome, or vsage heretofore vsed to the cõtrary thereof in any wise notwithstanding. ¶ Prouided also, & be it further enacted by the auctority aforesaid, that all populer actions, informations, billes, or suites, cõmenced or had, or hereafter to be commenced or had in any the Queenes Maiesties courts of recorde, vpon any penall lawes or statuts wherein any person doth, or shal sue, or prosecute, or informe, as well for the Queenes Maiestie, her heirs, & successors: as for him selfe, whereupon issue is or shalbe joined to be tried by the countrey, that therin ỹ partie defendant or defendants shalbe admitted to pray & haue a tales de circumstantibus, as in other cases aforesaid. | See touchig Iurours de circumstantibus. 35. H. 8. ca. 6. Iurours 17. made perpetual. 2. E. 6. cap. 32. & 4. & 5. P. & M. ca. 7. Iurours 18. & 5. El. c. 25. Iurours 19.

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G Clifford 1582